7. Proceedings of the Chief Commissioner of Mysore

August 1873

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MYSORE PROVINCE,

AUGUST, 1873.

PROCEEDINGS

OF

COLONEL R. J. MEADE, C. S. I.,

THE CHIEF COMMISSIONER OF MYSORE,

FOR THE

MONTH OF AUGUST, 1873.

PART I—A, IN EXTENSO.
- JUDICIAL.
- DEPT. OF AG., REV., & COM.
- FINANCIAL.
- GENERAL.
- EDUCATIONAL.—*Nil.*
- MILITARY.

PART—II B, IN ABSTRACT.
- JUDICIAL.
- DEPT. OF AG., REV., & COM.
- FINANCIAL.
- GENERAL.
- EDUCATIONAL.—*Nil.*
- MILITARY.

BANGALORE:

MYSORE GOVERNMENT PRESS,

1873.

PART I.

JUDICIAL DEPARTMENT.

A.

PROCEEDINGS OF THE CHIEF COMMISSIONER OF MYSORE FOR THE MONTH OF AUGUST 1873.

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3	Letter to Government of India accordingly.				
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From the Inspector General of Registration, Mysore and Coorg, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. 136, dated Bangalore, 29th July 1873.

I have the honor to acknowledge receipt of your docket No. 2071—371, dated 23rd instant, enclosing copy of Government of India—Department letter 2292 of 12th, on the subject of the rule proposed by me under Sections 24—34 of the Registration Act.

2. Under the rule suggested in the Government letter, which is the rule prevailing in Bengal,* it appears to me that Section 34, prescribing a penalty for delay in appearance, would be rendered wholly inoperative as pointed out in my letter No. 19 of 19th April 1873. If the Chief Commissioner approves of the rule I have already suggested, it is within his competency to sanction its introduction without referring the question to the Government of India, *vide* Section 69 of the Act.

* 45. "When a fine has already been "paid under Section 24, a second fine shall "not be levied under Section 34, nor shall "more than one fine be levied on the same "document."

No. 2294—JUDL. 70, DATED BANGALORE, 2ND AUGUST 1873.

ORDER THEREON.—Under Section 69 of the Indian Registration Act VIII of 1871, the Chief Commissioner sanctions the introduction into Mysore and Coorg of the additional Rule, as per margin, proposed by the Inspector General of Registration, to obviate the levy of a double penalty under Sections 24 and 34 of the said Act.

Para 19 (A).—When the party or parties required to appear, attend when the document is presented, no penalty should be levied for late attendance under Section 34. But if they appear at any time subsequent to the presentation, any penalty incurred must be levied, the period of delay being reckoned from the date of execution of the document.

Ordered, that the additional Rule now authorized be published in the *Mysore Gazette* for general information.

Ordered also, that the following letter be submitted to the Government of India, Home Department, No. 2295—J. 10, dated 2nd August 1873.

H. W. WELLESLEY,
Offg. Secretary.

No. 2995.
10, J.

MYSORE CHIEF COMMISSIONER'S OFFICE,
Bangalore, 2nd August 1873.

FROM

THE OFFICIATING SECRETARY TO THE CHIEF COMMISSIONER OF MYSORE.

To

THE UNDER-SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT,
SIMLA.

"Judicial."

Sir,

Adverting to your letter No. 2292 of the 12th ultimo, I am directed by the Chief Commissioner to explain that the adoption of the rule therein suggested would have the effect of altogether abolishing the penalty prescribed in Section 34 of the Indian Registration Act, for delay in appearance, which was not contemplated.

2. The reference from this office (No. 689—21 of the 9th May 1873) was, the Chief Commissioner observes, intended to remove the possibility of a double penalty being levied in cases where the document was presented late, although all the parties appeared at the time of presentation. It was intended still to retain the power of fining parties for late attendance conferred under Section 34 of the Act.

3. As the rule originally proposed by the Inspector General of Registration, in his letter of the 19th April last, No. 19, will secure the desired effect, the Chief Commissioner, under Section 69 of the said Act, has authorized its introduction into Mysore and Coorg with effect from the 1st instant.

I have the honor to be
Sir,
Your most obedient Servant,
H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Judicial Department, 7th August 1873.

(*Confidential*).

From the Secretary to the Government of India, To the Chief Commissioner of Mysore, Home Department, Judicial, No. 27—1193, dated Simla, the 4th July 1873.

I am desired to acknowledge receipt of your reply to the letter marginally cited from this Department, which invited opinions upon the advisability of altering the Penal Code in order more effectually to check the practice of bringing up very young girls to the profession of prostitution.

No. 239, dated 9th April 1872.

2. The general tenor of the opinions received, and the evidence collected by reports from different parts of India, have led His Excellency in Council to the conclusion that the necessity of legislating for the object in view has not been established. The provisions of the Penal Code are very comprehensive, and His Excellency in Council is not convinced that the law, as it stands, will fail to reach persons who are found in possession of young girls under circumstances which leave no moral doubt as to the criminal intent with which they are kept. If prostitutes or brothel-keepers are found in possession of a child not their own by birth or adoption, that alone would be a material fact, more or less important according to the other facts of the case, in a prosecution either for letting to hire or for obtaining possession. At any rate the law should be fairly tested by instituting a prosecution in any instance where the intent to use a girl of tender years for prostitution might be indisputable upon the facts of possession, and where the presumption that she had been also obtained with that intent, or had been led to hire for that purpose, might be very strong. If the Code can be thus applied, it will cover the whole class of cases which His Excellency in Council would have the police take up, for where possession has been originally obtained in a manner not made punishable by Section 373, it becomes questionable whether the executive could interfere safely or usefully, except in cases falling under Section 372, or under the fifth clause of Section 375.

3. But even if it be found that such prosecutions do not always succeed, still the difficulties which beset any attempt to widen the scope of the penal law which touches this subject are abundantly shewn by the papers now before Government, and His Excellency in Council is not prepared to undertake it. We may presume that these difficulties were foreseen at the time when Section 373 of the Code was so drawn as carefully to exclude from its definition of the offence mere possession with criminal intent as distinguished from obtaining possession with that intent. For so soon as we try to set aside that distinction, and to make possession by itself penal, even on such evidence of crime as can hardly be rebutted, we become involved in many very delicate and complicated questions and contingencies. Therefore His Excellency would prefer resorting to special executive measures for enforcing the law as it stands, wherever the evil is found to be so wide-spread and serious as to demand vigorous repression. The real obstacle in the way of repression appears not to be any defective wording of the law, but the difficulty of ringing forward evidence to prove the offence as defined in the Code. This obstacle is not, however, surmountable; and His Excellency in Council is ready to sanction strong executive action for removing . If it appears to a Local Government that in any province the practice of obtaining possession of oung girls for immoral purposes is extensive and habitual, and that extraordinary police exertions are eeded to check it, in such a state of things His Excellency in Council will be ready to consider proposals or dealing with the offence by some special preventive or detective agency of the kind which has more an once been organized in India for suppressing particular crimes. This can be managed, when the ccasion arises, without altering the law.

No. 2418—Judl. 5, dated Bangalore, 7th August 1873.

Order thereon.—Ordered, that a copy of the foregoing letter be communicated to he Judicial Commissioner for information; also to the Commissioners of Divisions and he Superintendent of Coorg.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Judicial Department, 15th August 1873.

From the Under-Secretary to the Government of India, Foreign Department, To the Chief Commissioner of Mysore, No. 146, J., dated Simla, 29th July 1873.

I am instructed to acknowledge receipt of your letter No. 474—14, J, dated 28th April last, with reference to the bearing of Act XI of 1872, (the Foreign Jurisdiction and Extradition Act), on the Province of Mysore in its relations with the neighbouring portions of Her Majesty's Territories.

2. His Excellency in Council concurs in the opinion expressed by the Government of Madras, that a Justice of the Peace has no authority under the Act to issue a warrant for the arrest of an offender who has escaped into, or who is in, British India. It is also the opinion of the Government of India, that no Officer in Mysore, excepting the Chief Commissioner, is a Political Agent as defined in Section 3 of the Act, and consequently it is necessary that all warrants for extradition issued under Section 11 shall continue to be signed by the Chief Commissioner.

3. I am farther to intimate that it is not deemed necessary to legislate in order to prevent the delays in the issue of warrants which may arise from this procedure.

DATED 10TH AUGUST 1873.

ORDER THEREON.—To be recorded.

H. W. WELLESLEY, *Offg. Secretary.*

From the Judicial Commissioner of Mysore, To the Offg. Secretary to the Chief Commissioner of Mysore, G. No. 1101—134, dated Bangalore, 13th August 1873

As requested in your letter No. 2286—67, dated the 1st instant, I have the honor to forward herewith for the information of the Chief Commissioner, a memorandum containing my opinion on the character and result of the enquiry held by the Magistrate of the Mysore District, into the charge of bribery preferred against Mr. Krishnaswámaiengar, Assistant Commissioner.

2. In this memorandum I have not confined myself exclusively to a consideration of what is on the record, but I have expressed also, in a few instances, opinions founded on my personal knowledge. I have refrained from a more lengthened analysis of the evidence of the material witnesses, as I am of opinion that a thorough appreciation of the nature and value of their statements can only be obtained by a perusal of the depositions.

3. I, therefore, forward herewith the entire record of the case, and all the papers connected with the previous enquiries, as per list appended.

MEMORANDUM.

By order of the Government, a preliminary enquiry was held at Mysore on the 10th June last by the Magistrate of the District, Captain W. Hill, Deputy Commissioner, into a charge of bribery preferred against Assistant Commissioner, Mr. Krishnaswámaiengar. The enquiry lasted 11 days, 32 witnesses having been examined, and terminated on the 23rd June 1873; and on 24th June, the Magistrate reviewed at length the circumstances of the case and the evidence that had been adduced, and passed an order discharging the accused, as he found no sufficient ground for committing him for trial. A copy of this summary and finding of the Magistrate was sent to me on the 2nd July 1873. The entire record of the case was then sent for, and was received on the 11th ultimo. After a perusal of the proceedings and evidence and finding, I proceed to record my opinion thereon as requested by the Chief Commissioner.

2. The inquiry has not been conducted in a satisfactory manner. In the first place, no special Public Prosecutor appears to have been employed. This was a very material defect. Bearing in mind that this was a prosecution of a very exceptional character, specially ordered by the Government, and that the accused is a Government official who has held a high and responsible position, it was manifestly proper that a thoroughly selected and competent person should have been appointed carefully to conduct the case for the prosecution. This became even more necessary when it appeared that experienced counsel, European and Native, were engaged on the other side. It was clearly the duty of the Commissioner of the Division, to whom the Government order directing the prosecution was issued, to see that such an obviously proper and important provision was made, and the Magistrate should certainly not have entered on the inquiry without representing the necessity for such provision. The omission is the more unaccountable, when it is remembered, that there is an official at Mysore appointed to conduct public prosecutions, and it is difficult to conceive an occasion more specially calling for his employment. Indeed, the occasion was one on which special assistance to such Public Prosecutor might well have been asked for, and granted. I must assume that the Magistrate took upon himself the responsibility of the duty of Public Prosecutor; but, apart from the considerations above referred to, this was a position which, under the peculiar circumstances of the case, it would have been natural and proper that the Magistrate should have desired to avoid. The accused is a member of the Commission to which the Magistrate belongs, and he had for long been on terms of personal acquaintance and of official connection with him.

3. The prosecution was thus conducted without a special Prosecutor. With so glaring and important a defect at the outset, it cannot be matter for surprise, that the proceedings and result of the examination of the witnesses should be unsatisfactory and inconclusive.

4. I proceed to make such remarks upon certain portions of the proceedings, upon the evidence, and upon the appreciation of it by the Magistrate, as a careful perusal of the record suggests.

5. The Magistrate examined 32 witnesses, but many of these were not material witnesses, and their statements are of little value.

6. As regards the prosecution, there are three really important points upon which evidence has been taken.

1. The payment of Rs. 900 to the defendant.

Witness 3. Kásipati Shástri.
„ 7. Guruva.
„ 8. Ballápura Shámanna.

2. How this money was raised.

Witness	6. Ranga.	Witness	28. Viraráj Ars.
„	9. Súrappa.	„	30. Gururáya.
„	11. Annaiya.	„	31. Kánte Ars.

3. Re-payment of this money on behalf of defendant to Kásipati Shástri.

Witness	2. Dodda Mallanna.		
„	4. Nanjundaiya.	Witness	14. Kálinga Shetti.
„	5. Sankarappa.	„	16. Venkata Shetti.
„	10. Krishnappa.	„	21. Mariyappa.
„	12. Rámanna.	„	23. Venkat Rao.
„	13. Atchappa Shástri.	„	34. H. Subbaiya.

7. With regard to the 1st point, the payment of the Rs. 900 to the defendant—

The evidence of the *3 witnesses examined for the prosecution is most important. They give direct evidence regarding the payment of the bribe to defendant. They were examined in chief and then cross examined at great length, and in most minute detail by defendant's counsel. Their statements before the Magistrate were not then viewed as a whole, nor simply compared with each other, but they were specially contrasted also with two previous statements made by the same witnesses, one before Major Gompertz, on the 18th December 1872, in the police enquiry, when they were not examined on oath, and one (on oath on 4th January 1873,) before Major Campbell, the Sessions Judge, holding a quasi-judicial enquiry. The discrepancies found on a comparison of these several statements were then carefully noted and numbered by the Magistrate, who counts 24 such discrepancies in the statements of Kásipati Shástri.

*3, 7 and 8.

8. The Magistrate rejects all this evidence as worthless by reason of its discrepancies. It may be well to examine whether this view is, under the special circumstances, reasonable. I will take the witnesses in order.

9. *First Point*—3. Kásipati Shástri.—This is the principal witness. It was through him that the defendant is said to have been approached, and it was by him that the bribe is said to have been given. He is described by the Magistrate, in the preface to his summary, as "a money-lender of doubtful reputation." As regards this description, I would remark that there does not appear to be anything on the record against the reputation of this man. He is, it is true, a money-lender, and I conclude he is in character very much on a par with others of his class at Mysore, where the standard may safely be regarded as not very high. I had many opportunities of seeing this man in connection with Palace business, when I was at Mysore, and of hearing of his repute, and there was not anything exceptionally bad reported of him. From his life and profession at Mysore, where the atmosphere in days gone by was not of the purest, I think it may be accepted that he is, like his fellows, more or less of a rogue, bearing nevertheless as a Vaidika Brahman, and as a man of some little substance, a certain outward show of social respectability. But there is not any thing in his reputation that should at once discredit him as a witness. Indeed, I regard his reputation as a support to the charge rather than a weakness. The witness admitted that he mixed himself up in the transaction with a view to some personal gain, and it is *precisely* this sort of man, with a reputation rather "doubtful," whom one would expect to find so engaged. His character and habits are to my thinking such as one would expect to find in a man who had been selected as the medium for negotiating a disreputable transaction, such as a bribe.

10. And now with regard to his evidence.—The Magistrate records of him, both in a foot note to his deposition and in his summary, that he feigned illness. Now, of my own knowledge, I am able to speak with certainty and confidence on this point. On several occasions during the past two years, this witness has been before me on business transactions connected with the Mysore Palace; he has always been very weak and unwell; he was treated on each occasion with every consideration as to his comfort, and yet he was manifestly unable from illness and debility to remain long at a time in my presence, and he invariably shewed signs of much exhaustion. He was notoriously ill. But, apart from this, there

some special evidence on this point which is accidentally before me. Since the completion of the in-iry, this witness has sent a petition to me, forwarding a petition dated 7th June 1873, which he had it to the Magistrate three days before his examination, praying that he might be examined by com-ssion on the score of ill health, in support of which he sent to the Magistrate a medical certificate of it date given him after examination by the Honorary Sub-Assistant Surgeon attached to the Palace Mysore, a medical officer of known respectability and professional skill. I forward a translation of this ition and a copy of the medical certificate. It will be seen from the order of the Magistrate that e petition was returned for more formal presentation. It will be seen also that the Honorary Sub-sistant Surgeon clearly stated on 7th June 1873, that the witness was "suffering from paralysis and neral debility mental and physical, and is not in a fit state to attend the Court-house." Having had s petition and certificate before him on 7th June, it was, I am of opinion, very inconsiderate and rsh towards this witness, and improper in the interests of justice, that the Magistrate should delibe-tely record on the 12th, without any allusion to these documents, that he "feigned illness" and thus row every discredit on him. I am satisfied beyond a shadow of a doubt that the witness was in a ry precarious state, and truly unfit for lengthened examination in a Court of Justice, and to what sort examination was he then subjected? In a state of extreme ill health and debility, unsupported by e presence or countenance of a counsel for the prosecution, and in the presence of a Magistrate who garded him as a bad character, and as feigning sickness, the witness was subjected to the most search-g cross examination, for the space of *three days*, at the hands of experienced counsel, European d Native, and this examination related to a transaction that had taken place a year before. It was ther complicated by allusions to statements made on two previous occasions five and six months fore. The witness is a man of not less than fifty years of age, and when all these circumstances are nsidered, no reasonable man will feel surprise that his evidence contains contradictions, and that ncrepancies with former statements are to be found in it.

11. To my thinking, it is surprising rather that there are not more discrepancies and that they are t on more material points. As an instance of the state into which the witness was brought by his nddition and by the lengthened cross examination to which he was subject, I would refer to his answer at he did not know whether the Brahmans he saw at defendant's house were men or women! Upon is absurd answer, the Magistrate lays serious stress. I regard the circumstance as significant, as owing how improperly the witness was questioned in cross examination, and how confused he had come in consequence. When a native speaks of having seen two Brahmans, he clearly implies, in the om of the country, that he saw men, as clearly as if a European witness were to depose in English at he had seen two priests. I have referred to this instance, but it is clearly not the only one in hich this witness was forced by persevering cross examination into contradiction on points in which he uld not be mistaken.

12. At the conclusion of this witness' evidence, the Magistrate has stated at the witness' request at "he was under the protection of Mr. Gordon". I presume the witness referred to me. If the agistrate thought it necessary to record so singular a remark, it was his duty also to require and to cord an explanation of its meaning.

13. Witness 7, Guruva.

This was the 2nd witness examined on the subject of the payment of the money to the defendant. e is an ignorant menial servant, and he too was subjected to cross examination under the circumstan-s above described. The Magistrate notices discrepancies in this witness' statement before him when mpared with other previous statements, and he adds as a reason for discrediting him, that the witness iginally denied all knowledge of the matter before Major Gompertz and myself. The fact is, that the tness who did not know why he had been sent for on that occasion when first asked by me, replied he d not know any thing. His master Kásipati Shástri was then, unknown to the witness, in another om. When the witness was taken into that room where Major Gompertz and his master were, the tter at my request told him simply that he was to tell all he knew, and then the witness at once adily answered the questions asked by Major Gompertz, and described his share in the transaction. s first denial appears to me to have been, under the circumstances, natural in a man of his class, and have been founded on what he believed to be his duty to his master; and his subsequent admission, ien authorized to speak, points to knowledge of the transaction on his part. His conduct on the casion appears to me to accord with every day experience of witnesses of his class in India, and also th human nature. His simple statements throughout, consistent as they have been in the main, pear to me to be valuable.

14. Witness 8.—B. Shámanna is the 3rd witness on this important point. He too was subject-to a very long and searching examination, and the Magistrate, by reason of the discrepancies, places reliance on his statements. The witness is an old country Vakil, and is just the stamp of man to om application for transacting business of this nature would be made.

15. The Magistrate, as I have said, assumed, improperly as I think, the position of Public Prosecutor, but I do not observe in the record any sign that he discharged one of the most important of the duties of that office, *viz.*, the re-examination of the witnesses to explain statements made under a very severe, I may almost say, a licensed, cross examination. The record shews how very necessary such re-examination in some cases was, and the result is, that the evidence is unfairly prejudicial to the prosecution, and that statements giving an untrue color have been left unchallenged.

16. I should feel disposed to attach more weight to the opinion of the Magistrate as regards the evidence of these three witnesses, if I perceived in his summary a disposition to view the case as a whole, and the statements of the witnesses in a more broad and general light. He appears to me to have been concerned rather in viewing it piecemeal, and in numbering the discrepancies, some of them in the most unimportant points, and others rather fanciful.

17. Taken as a whole and carefully considered, the evidence of these three men appears to me to be clear and strong, and to go far to establish the general truth of the main story. The very disadvantageous position in which they were placed, on which I have already dwelt, will have much weight in dealing with contradictions or discrepancies. It is well known to what a state of confusion an experienced lawyer can bring even an educated intelligent witness duly protected, and what chance could these witnesses have had under the circumstances? The test to which their statements have been subjected is one that would try severely the best evidence in any true case. I am deliberately of opinion that this evidence has been, on insufficient grounds, rejected as worthless. Many of the discrepancies are to be accounted for by the manner in which the witnesses were placed at the mercy of the defendant's counsel; and other statements are to be explained by the intelligible desire of the witnesses to conceal their own share in some portions of the transaction. The Magistrate, in his intent gaze on minor points, has lost sight, as it seems to me, of the main features of the case.

18. I forward the record of the enquiry, in order that the evidence of these witnesses may be read in original. A perusal of these statements, in spite of the discrepancies and the disadvantage at which the witnesses were placed, would lead an impartial reader, I believe, to the conclusion that the main story which they tell need not be rejected as untrue.

On the 2nd Point—How the money was raised.

19. Six witnesses were examined, one, witness 6, was adverse, but the evidence on this point given by the rest is clear and in the main consistent. The evidence of the adverse witness, Ranga (6), is not very important, and there is, in the fact that he was dismissed by his master since the transaction of which he speaks, some ground for his deposing adversely. The statements of the remainder are in the main in support of the story.

It is not necessary that I should dwell much on this point, and I will pass to the more important third point, *viz.* (3) The repayment of the money on behalf of the defendant to Kásipati Shástri.

20. The Magistrate refers to "the alleged return of the money by the defendant through Rámanna as the strangest feature in this complex case;" but this does not correctly describe what it is charged. It is not said that *the defendant* returned the money, but that Rámanna did so on his behalf, or avowedly on his behalf. Apart from the statements of Kásipati Shástri and Shámanna, there are the consistent statements of other independent witnesses who speak circumstantially to the return of the money. On the other hand, there are six witnesses examined by the Magistrate who speak adversely on this point, but who are these witnesses? One (witness 2) is the partner of the man who is said to have been the chief mover in the transaction of re-payment, and his is mere negative evidence. Another (witness 4) is his Gumásta, and the same may be said of his testimony. Three others (witnesses 5,-10 and 12) are the very persons who are stated to have arranged for and to have made the repayment, and whose denial of it is therefore to be looked for; and the sixth (witness 14) is said to have been present, but denies it. I confess that it appears to me that, considering the motives for denial which the witnesses against the repayment for the most part have, and the absence of any motive to speak falsely on such a point on the part of the witnesses on the other side, I should attach much greater weight to the evidence of those independent witnesses who consistently state that such repayment was made.

21. The Magistrate, I observe, expected to find in the books of Dodda Mallanna and Rámanna an entry of this payment! This expectation appears to be simple rather than reasonable. The Magistrate should be aware that there must be very many items of expenditure by the abkári contractors at Mysore which will not be found in the ledger. The Magistrate believes and relies on the statement, supported by the books of the abkári contractors, Dodda Mallanna and Rámanna, that one transaction only took place between them and the defendant. But if the Magistrate had referred in this case, as he

has been so careful to do in the case of the main witnesses for the prosecution, to the statements made before Major Campbell, he would have found a different version there. The witness Rámanna deposed on oath to Major Campbell "my Yajamán Dodda Mallana does the banking transactions; *I do not know "whether Mr. Krishnasvámaiengar has opened an account with him; I know that he purchases articles of "kinds from Dodda Mallanna.*" He did not even deny that there was an account: it was most singular that he did not know whether there was an account or not. I think he *must* have known. But he admitted the habit of dealing with him, and this was a notorious fact in Mysore, and it gives a very different account of the relationship to that now given by Dodda Mallana and Rámanna and the defendant.

22. I observe further, that the Magistrate gives the weight of his own testimony to the side of the witnesses against the repayment, for he says "their books are regularly kept, and Rámanna and the "others are well known to the Court as highly respectable men." This is a consideration to which it is not proper to give much weight. The witnesses must be judged rather by what is on the record than by the Magistrate's opinion of their respectability. So much must depend on the opportunities of the Magistrate for forming an opinion of value, and such opposite views may be held on such points. In the case of the witness named, I may state as an instance, that from my experience gained during my official residence at Mysore, there is nothing in the reputation or antecedents of Rámanna that would make it in any sense unlikely that he should act as he did in the matter of the repayment or its denial. In both he would consider himself quite justified.

23. The Magistrate is unable to account for Kásipati Shástri and Shámana in the first instance themselves returning a part of the money, instead of "denouncing the defendant to the authorities" when they could not get their money back. The Magistrate has seemingly quite overlooked the important fact to which Kásipati Shástri and Shámanna were not blind, that by denouncing the defendant they implicated themselves in a criminal offence. Indeed, when Kásipati Shástri was most unexpectedly asked by me, before Major Gompertz examined him, what he knew of this transaction, he was most reluctant to answer though he knew me and could confide in me, and when he did reply, his answer was that he should be convicting himself. It was only when I assured him that no harm should happen to him, that he consented, even then with manifest reluctance and distaste, to divulge what he knew. The Magistrate's inference and surprise on this point are therefore quite unreasonable.

24. Declining to accept the story of the repayment on behalf of the defendant to Kásipati Shástri and Shámanna, to what alternative has the reasoning of the Magistrate led him? he believes that the money went as far as Kásipati Shástri, but no further, that he and Shámanna intended to keep it for themselves, and that it was eventually disgorged by him. I can scarcely believe that the Magistrate has considered what an acceptance of this story must involve. If we accept this, we must suppose that these two men at Mysore, one an obscure Vakil, and the other a money-lender, without any interests or business in common, had suddenly agreed, and had prevailed on others to join them, in inventing an entirely false and groundless accusation against a native official in high position at the place where they lived, towards whom neither had the slightest ground for personal ill-will—that having arranged to trump up this story, they did not come forward at the time when the transaction, out of which the charge was to spring, took place, and indeed did not come forward at all, but remained silent for months, and then only very reluctantly spoke when unexpectedly interrogated. Having stated what they knew, they then elaborately devised the plan of restoring the money in order merely to give support to what they had said, and to restore it from their own pockets when they knew that a receipt in full had been given for it, and when no claim for it had been made, and when they must have felt that such restoration could not furnish very strong support to their charge as against the *defendant*, for they did not accuse *him* personally of restoring it, and that it might perhaps cast suspicion on themselves. This alternative story, invented as explanation, appears to me so wildly improbable, so opposed to reason and experience, that I reject it as wholly absurd. Suppose for a moment, that it be true, what was the end aimed at? *Why* should these men so accuse an innocent official? why seek to injure him? No reason or motive has been assigned, and if they desired to injure him, why did they not come forward? Not only did they not come forward but they actually hung back. They most reluctantly divulged, when got together separately and without intimation, what they knew, and the statements which they thus made, without inter communication, were consistent.

25. And now with regard to the defence.—

The Magistrate appears to rely on defendant's alibi; but it appears to me to be quite worthless. The alibi set up is, that whereas the witnesses say that, on the day and at the time when the bribe was given, defendant was in his house, he really was in his office. His office is distant about three quarters of a mile from his house. The time at which the bribe is said to have been given varies. Kásipati Shástri said to Major Gompertz from 9 to 10, before Major Campbell, about 10, and to Magistrates 10 or 10·30, A. M; Shámanna said at 10¾, 10·30, or 11; Guruva 10.

26. In the first place, it is not clear, but rather conjectural, to what precise date of June 1872, the witnesses for the prosecution refer, as the date on which the bribe was given; but, by reference to a bond, the Magistrate fixes the date in question, to his own satisfaction, as 12th June. I do not consider this point established, for Annaiya, the party who executed the bond, and the son of the man who was hanged, says that the commitment took place three days after the execution of the bond, and his recollection of such events is likely to be accurate. My own impression is, that the bond probably was by mistake wrongly dated, but for argument sake let it be supposed to be as the Magistrate supposes. There were seven witnesses examined on this point, *viz.* Nos. 15, 17, 18, 19, 20, 25 and 26, and they are respectively the Sheristadar (15), four peons (17, 18, 19 and 20), and coachman (25) of the defendant, and the Daffédar (26) of the Jail Lock-up. Moreover there was the Court Diary, to the entries in which the Sheristadar (15) spoke. It is important carefully to analyze this evidence in detail.

27. The entries in the diary shew that the preliminary enquiry into Lingé Gauda's case was commenced by defendant on 3rd June, and was completed on 12th June 1872. The Court-days, the hours of opening and closing of Court on each date, as shewn by the diary, are given in the margin, and what support is given to this diary by the witnesses? Nos. 17 and 18, peons Dodda and Ninga, profess to remember the *exact* day on which the prisoner Lingé Gauda was committed for trial a year before; the former states defendant went that day to office at 10·30, the latter, at 6 *a. m.*, "as he usually did"! Witnesses 19 and 20, Venkatramana and Sidda, also peons, do not profess to remember the precise day of commitment, but re-collect the time of the enquiry distinctly: the former says defendant used to go then to office daily at 10, and the latter says at 11 o'clock. Witness 25, coachman, says that every day during the trial, defendant went to office at 6 *or* 7 *a. m.*,! and lastly, witness 26, the Daffédar, states that he went to the Court at 9 A. M., and that the defendant was there then, that the case was disposed of at 3 or 3·30 P. M., I maintain that it is impossible to conceive more contradictory or worthless evidence upon the point of time than is here disclosed; it is the sort of evidence one would expect to find from such witnesses on such points after such lapse of time. Their statements are quite at variance with the diary and with each other. Yet the Magistrate states upon this evidence that it has been proved that the defendant went to his office on the 12th June 1872. "*early* in the *morning*" and "closed it at 3 P. M." Yet the *Diary*, the only evidence of some *primâ facie* reliability, records 9 A. M. and 2 P. M. as the opening and closing of the Court on that date. It is on this evidence that I have analyzed, the evidence of peons and dependants of the defendant, that the Magistrate goes on to say that he "sees no reason for discrediting it," and that "a complete alibi is established." Contradictory and worthless as this evidence is, it has been subjected to no proper cross examination. The simple fact is, that there is no room for alibi. The native witnesses who have been examined are incapable of distinguishing very clearly between 8 *or* 9 *a. m.*, and 10 *or* 10·30 *a. m*; for instance, refer to the comparatively independent witness 26 above mentioned, he says, meaning to speak truth, the case was closed at 3·30. The diary records the court closed at 2.

June.	Court opened.	Court closed.
3rd	1 P. M.	5 P. M.
4th	12	6 P. M.
5th	7 A. M.	12.
6th	11 A. M.	6 P. M.
7th	7 A. M.	2 P. M.
8th	No Court.	
9th	Do.	
10th	12	5 P. M.
11th	7 30 A. M.	3 P. M.
12th	9 A. M.	2 P. M.

28. The Magistrate does not notice the extraordinary discrepancies in the statements of these witnesses on this point, regarded as so important and conclusive by him, but appears to accept at once their statements, obviously interested witnesses as they are. I regard the plea as worthless, and I think the defence must be intrinsically weak that can attempt to advance such a plea. The manner in which the evidence of the principal witness for the prosecution was taken, contrasts strongly with the summary examination of the witnesses who speak for the defendant, and points to the radical defect of the absence of a proper prosecutor who would not have allowed such testimony to pass unsifted.

29. The Magistrate holds that the witness Kásipati Shástri did not frequent the defendant's house. I think the Magistrate is not warranted in this conclusion. I observe that the defendant stated, in answer to a question by the Magistrate, that he had seen the witness Kásipati Shástri in a civil suit in 1865, and that he had *never* been to his, defendant's house. I observe too, that the defendant stated to Major Campbell, "I know Kásipati Shástri, but I have seen him only at long intervals. I cannot say for cer-"tain that I did not see him during the time of the preliminary enquiry into Lingé Gauda's case." It is to be regretted that the Magistrate did not in the case of defendant also refer to previous statements and examine him as to discrepancies. The answers are not reconcilable, and I entirely discredit the pretended ignorance pleaded before the Magistrate.

30. Before the Magistrate, the defendant also stated that he had had but one transaction with Dodda Mallana. The statement of Dodda Mallana's partner, Rámanna, to Major Campbell, made in the presence of defendant and not contradicted by him, shews that defendant was, as was well known at Mysore, in the habit of dealing with him.

31. I have only a few remarks to add on the general aspect of this enquiry in this case.

The enquiry has been conducted in a very imperfect, one-sided, manner. The defence was represented strongly, and the prosecution was left without support. The support which the Magistrate gave to it was not such as it ought to have received, and would have received at the hands of a competent prosecutor. In no Court of Justice in any civilized country could any case of this nature be expected to stand without such support, and specially in India is this necessary when the character of the witnesses is considered. The lapse of time and the position of the accused rendered special provision necessary. The summary of the Magistrate is in some respects inaccurate and defective, and his mode of dealing with the evidence unusual and scarcely fair to the prosecution. The principal witness Kásipati Shástri was dealt with harshly. The conclusions to which the Magistrate has come are shewn in some important points at least to be unwarranted.

32. With regard to the main story, the enquiry of the Magistrate has not caused me to depart from the view which I had previously formed of it. I see no reason whatever to change my opinion that the story is in its main particulars quite true. No sort of reason has been assigned by the defendant for the invention of such a charge by Kásipati Shástri and Shámanna. In many respects their statements have been admitted to be true. As I have before remarked, the Magistrate has looked rather to the disagreement and discrepancies on minor points, than to agreement on the more important points and to the probabilities of the case. It will be seen that before Major Campbell the defendant attributed the charge to the ill-feeling of Lingé Gauda's family by reason of his, defendant's, strict impartiality in committing him to trial. The Magistrate on the other hand, on behalf of the defendant, notices the remarkable fact that the family of the executed man have never complained against defendant! Neither circumstance can in the least connect the chief witnesses Kásipati Shástri and Shámanna with this or any other motive for such accusation. They had no cause of ill will to defendant or interest in the family of Lingé Gauda. They were in fact befriending the defendant by playing into his pocket, whilst they themselves looked too for personal gain.

33. It cannot be too often repeated that these men were really unwilling witnesses, much less complainants, against the defendant. They were taken by surprise and they desired to withhold what they knew. There is no assigned motive for ill will, and no attempted explanation of their conduct, which indeed seems explicable only on the assumption of the truth of their story. The alternative conjecture raised by the Magistrate is one that I am quite unable to accept.

34. A charge of this kind is notoriously most difficult to prove. From the very nature of the case this must be so. This is the case under circumstances the most favorable ; but when inquiry is made in the careless manner in which this inquiry has been made, it is scarcely reasonable to look for proof that will thoroughly satisfy a Court of Justice. Yet, in spite of the disadvantages under which the prosecution labored, there exists even now on the record evidence on which a commitment could have been made. Whether or not a Sessions Court would have convicted is altogether another question, and one to which a satisfactory answer cannot be given. Probably upon the evidence as *it was taken* by the Magistrate a conviction would not follow, but at the trial, the interests of the prosecution would have been properly cared for. But even as the evidence now stands, the verdict of an impartial Jury would, I believe, be not proven rather than not guilty.

35. For my own part, I think the evidence establishes the truth of the main story. The evidence of Kásipati Shástri is in many respects weak and contradictory, but the circumstances under which he was examined must be considered. The remaining evidence is not weak on the main points.

36. If the Magistrate had hesitated to commit the defendant on the ground that he regarded a conviction as unlikely to follow, such course might have been considered as to some extent justified, hough, as I have said, I think there *is* sufficient evidence for a committal ; but when the Magistrate proceeds further to declare that the charge is manifestly false and unfounded, I think he expresses a conclusion unwarranted by the evidence before him. After examining the evidence and the reasoning on which the conclusion is based, I am quite unable to share this view. It was not shared by Major Campbell, the Sessions Judge, who previously enquired into this case.

37. I forward the record in the case, in order that the statements of the material witnesses specially referred to may be perused in original. I return also the papers regarding the enquiry made by Major Gompertz and Major Campbell, together with the memo written by me on this subject at the request of the Chief Commissioner on the 8th March 1873. To the opinion I therein expressed I emphatically adhere, as I find nothing on the record of the enquiry last made to induce me in any material point to alter that opinion.

Proceedings of the Chief Commissioner of Mysore, Judicial Department, 15th August 1873.

To—The Deputy Commissioner of Mysore,—Petition of Kásipati Shástri, residing at Mysore, dated 7th June 1873.

On the 5th instant, I signed the summons directing me to appear in the Court at 10 A. M., on the 9th idem, to give my evidence on behalf of the prosecution in the enquiry against Mr. Krishnaswámaiengar under Section 161 of the Indian Penal Code. Since * 7th Suddha Mághá last, I have been suffering from paralysis, and have lost the use of my right hand, right thigh and right leg. I have been unable to exert myself to eat and drink, and have been obliged to get myself fed by my people; 4 men carry me when I have to obey the calls of nature and bring me back and make me lie. I have lost, owing to the said malady, the full possession of my mental powers; moreover for the last 10 days I have been very ill owing to an attack of Dengue; although I took many medicines prescribed by native practitioners, I have had no relief from the paralysis. I submit herewith a certificate granted by M. Jaganátham Náidu, Honorary Sub-Assistant Surgeon attached to the dispensary of the Palace of His Highness the Mahárájá. On referring to it, you will be convinced of the truth of my plea of sickness. In my statement before the late Guardian to His Highness and the Bangalore Police Officer, whose name I do not know, I have stated all the true circumstances I know regarding Mr. Krishnaswámaiengar's case. Since then I have made a true statement before Major Campbell, Superintendent of the Ashtagram Division.

*4th February 1873.

Now it is utterly impossible for me to appear in Court owing to the aforesaid causes. If my two former statements are referred to, every thing will be known. Owing to the illness I am suffering from, I cannot now remember any circumstance. If after these representations, my examination should still be considered as absolutely necessary, I am ready to depose to whatever a sick man remembers, were my depositions taken in my own residence. Therefore I represent beforehand my inability to appear in accordance with the summons, and beg to be favored with an endorsement on this petition.

The subjoined remark is made on this petition in the District Magistrate's own hand in English.

"Returned. Should be presented in person or by authorized agent. Petition not signed."

I, M. Jaganátham Náidu, Honorary Sub-Assistant Surgeon, Palace, Mysore, hereby certify that I have this day examined Kásipati Shástralu, residing in the Fort, Mysore; he is suffering from paralysis and general debility, mental and physical, and he is not in a fit state to attend the Court-house.

The deposition of Rághavéndra Rao, taken by me, on solemn affirmation, this 10th day of June 1873.

The said Rághavéndra Rao saith.

I am a Pleader in the Courts at Mysore. I know the witness Annaiya, son of Lingé Gauda. He engaged me in the month of July 1872, through one Palaki Rámaiya in a Criminal Appeal Case which his father had preferred to the Court of the Judicial Commissioner, against a sentence of death passed by the then Superintendent of the Ashtagram Division. I conducted the case along with Mr. Sullivan. He promised to pay me Rs. 2,000 for my trouble in instructing the Barrister at Madras: but he has not paid me in cash, only given me a bond for the amount and paid my travelling expenses to and from Madras. I have since brought a suit against him and obtained a decree for Rs. 3,264, on account of money lent by me to him for paying the Barrister. I was present when Rs. 6,050 were paid to the Barrister in two instalments. I knew that the accused Lingé Gauda was a man of property. Annaiya shewed me some of his pattás for land and some twenty bonds of the value of Rs. 1,500, which he left with me as security. All this occurred after the sentence of death was passed on Lingé Gauda, by the then Superintendent. He never came to me when the case was pending before the defendant, Mr. Krishnaswámaiengar. I have had no further transaction with Annaiya. He had no ready cash with him.

Cross examined.

Annaiya told me he had Rájá rupees and that they were buried. He did not mention how many. There is a premium on them of 4 per cent. He stated that his father was unwilling to reveal the place where the money was buried. He borrowed money from me on two occasions, first Rs. 2,000, and afterwards Rs. 1,500 or Rs. 1,600. The rest of the money which he had was paid to Mr. Sullivan at Bangalore. I did not inquire where the money had been obtained from.

The deposition of Doddamallanna, son of Doddamuddappa, taken by me on solemn affirmation, this 10th day of June 1873.

II. The said Doddamallanna saith:

I am a trader and partner with Captain Taylor in the abkári-contract for the Ashtagram Division. I am also a distiller of arrack and have large dealings. I know the defendant Mr. Krishnaswámaiengar since the last eight years when he came to Mysore first, I have never had any pecuniary dealings of any sort with him, only I once supplied him with ghee, oil seed and jaggory of the value of Rs. 52—7—5. I give the amount on reference to my ledger (put into Court, entry marked A). He asked me to give them to him at cost price, which I did by buying them in Mysore from people bringing them for sale. This was on the 7th Bahula Jésta of Angirasa (27th June 1872) first, and on four subsequent occasions, the last being on the 11th Bahula of Ashádа (30th July 1872). I have not been paid yet, nor did I ask him for payment. I expect he will pay me. I have had no previous or subsequent transactions with him.

After the sentence of death was passed on Lingé Gauda by the then Superintendent, I had a magisterial case in the defendant's Court against Hunsaúru Basavaiya, which resulted in his being punished (sentence and judgment put into Court marked B). Rámanna is my son-in-law and nephew, and is my partner. I don't know of any transactions between him and the defendant. If there were any they would be entered in the books. The books in Court are the only account books we have. The mutsaddi Nanjundaiya is the writer, and he puts down entries as dictated to just before the transactions are made. I refer to the entries made in my day book on the 19th December 1872, (entry marked C,) and find no entry whatever relating to any transaction with the defendant. I have only one house of business in Mysore with Rámanna. I recollect from the accounts that I was in Mysore that day, but am not sure about Rámanna's being there. My household expenses and every transaction is entered in the book as well as Rámanna's. We live separately, but have all expenses in common, and devide profits once in three or four years. Every private matter is entered in the day-book even to the purchase of jewels, loans and advances of money, &c. I have no private accounts or rough books. I refer also to my day-book three days before and three days after the 19th, and can find no entry of any sum of money paid on account of the defendant, or any entry concerning the payment of a sum of Rs. 500, or Rs. 900. Rámanna, my son Muddanna, Ráma's brother Kódilingaiya and I keep the keys of the cash box. The cash box is examined every evening after the accounts for the day have been made up and the balance is found to tally. No sum of Rs. 500 or Rs. 900 was ever found short.

Cross examined.

There are other debtors besides the defendant in my books for produce supplied. I have got a store, and have supplied in the same manner at wholesale price Majors Elliot and Campbell, who used to pay me through their butlers. Major Campbell confirmed the defendant's sentence on one Court in appeal, but on a special appeal to the Judicial Commissioner, the prisoner was discharged on a technical point, (Proceedings put into Court filed and marked D). I did not dun the defendant for the money due for supplies as I thought he could pay, and because I wished latterly to have no communication with him since he was placed under a criminal charge. I occasionally visit the defendant at his house; but have not been there since the 30th of July 1872, when I furnished him last with supplies. Except when I saw him in Court I have not spoken to him. He has never been at my house, nor does he bank with me.

The deposition of Kásipati Shástri, son of Tippa Shástri, taken by me on solemn affirmation, this 10th day of June 1873.

III. The said Kásipati Shástri saith,

I am a money-lender, and live in the Fort of Mysore. I have known the defendant Mr. Krishnaswámaiengar for the last ten years. About five, six or seven years ago when he came to Mysore, I appeared before him as a witness in a civil case. Once when at Bangalore on business I visited him at his house as a mark of respect, and when he has been in Mysore, I have been in the habit of paying him visits every eight or fifteen days out of friendship, and not on account of business. On the second or third day after the defendant had returned from Mallavalli I visited him about 8 or 9 in the morning. He was then seated in an upper story room going through a bundle of papers and he gave me a seat by his side. After some conversation the defendant said to me that it was a case of murder committed by Lingé Gauda. Then he said Lingé Gauda is a man of great means, his people have come down to Mysore, if any people come and speak to you in the matter, dont lose these words, but come and inform me, from which I understood that he thought that money would be given to high officials. I said in reply very well. I remained there half an hour engaged in conversation. No one else was present. I then took leave and went home. I don't recollect the day of

the week. Next day or the day after in the morning, Ballápura Shámanna with whom I have transactions, and who is in the habit of visiting me daily, came to my house, and in the course of conversation said to me a murder has been committed at Maliavalli, and the inquiry is being held here. Will you negotiate for me with Mr. Krishnaswámaiengar (the defendant) making it easy for the prisoner. I assented: therefore next morning I went again to Mr. Krishnaswámaiengar's house, and I told him that I had done as he had asked, and if he would make matters easy Ballápura Shámanna would see that they acted up to his wishes. The defendant then inquired what they would pay him: I replied whatever you ask. He then asked Rs. 1,000, on which I said, I would go and tell him. After staying a little, I returned home. The same day or the next, I don't recollect the hour or the day of the week, Shámanna came at his own instance to my house and I communicated to him what Mr. Krishnaswámaiengar, the defendant, had said and Shámanna said he would speak to Súrappa. He returned the following day saying that they had consented and offered to bring the money. I told him that I would go and speak to the defendant and I would give an answer in the evening. I accordingly went in the evening to the defendant's house and Mr. Krishnaswámaiengar on my telling him said "have the money brought next morning." I then left after it was dark. Next morning at ½ past 8 A. M. (I cannot state the day of the week or the date of the month) Shámanna brought the 1,000 Rs. to my house carried by a servant, (whose name I don't know) one bag. I caused a carpet to be spread near a railing in the centre hall of my house, and we sat down. The bag was put down by the servant who went away. Shámanna said I have brought the money you asked; I replied allright: if you wish the money taken there you must accompany me. Shámanna replied he had perfect confidence in my paying it. I said "these are money dealings, we must first look at the dangers and then devise the means of escaping them:" then I said plainly "if good results, all goes well, but if the reverse, he is a great man, how can we go and ask him for the money. Then Shámanna swore by his children that he would be satisfied and would not hold me responsible. Shámanna then poured the money upon the carpet. I handed him a pair of scales and after counting Rs. 50, he put them into one scale and weighed the rest of the money from it, in all Rs. 1,000. We then put it back into the bag, I holding the bag and Shámanna pouring the money as it was weighed into it: and the last batch was counted either by Shámanna or myself. Being in need of Rs. 100, for my household expenses I told him (Shámanna) I would take the sum and make it good to the defendant in the evening to which he assented. Consequently I took 100 Rs. out of the bag; then Shámanna tied up the bag with a string and sealed it by pasting a paper on it and wrote something on it, which I never read. I then remarked we must hasten as it is time (10 o'clock) when he alluding to the defendant will be going to his office. Shámanna then said, "you then start." I replied "you are going home, come with me," Shámanna then went with me. Before that I called my servant Guruva and he came to the hall and by my order took up the bag and carried it. Then we three went to Mr. Krishnaswámaiengar's house. Shámanna stood at a distance of 20 yards from the door. I made my servant Guruva sit down with the money at the stair case. There were peons; I don't know how many there: but I did not speak to them as I was a constant visitor and I passed on up the stair case. The peons were close to Guruva. Although I am a constant visitor to the house I don't know the peons. On going into the room the defendant was wiping his mouth after breakfast and was walking up and down. He asked me if I had brought the money. I replied in the affirmative, adding that Shámanna had also come and wished to enter. Mr. Krishnaswámaiengar objected to his coming in assigning no reason, and told me to get my servant to bring up the money. I then went down-stairs and addressing Shámanna who was walking in front of the defendant's house told him that although the defendant objected to his coming I desired it. Shámanna then said I have confidence, I have already sworn in your house. Then I got Guruva to carry the money up-stairs where the defendant was still walking about. He said come along, then he took us through a passage to a room on the north side of the Diwánkhána, Guruva carrying the bag. We sat down there, and I dismissed Guruva, who laid the bag down and went away. I then placed the bag before the defendant, who inquired what it contained. I replied it contains Rs. 900, and that I would bring the balance of Rs. 100 in the evening. He said allright. I asked him to count out the money, but he said never mind, I don't doubt you, you can go. He then took the money inside. I cannot say what I mean by the word "inside," a box or a room. We then left the room returning through the same passage down-stairs, and then he got into the coach and drove off. I took leave from him at the door where Guruva was and Shámanna near outside on the road. After passing the bridge and entering the street I shook out my dhótra saying to Shámanna "see I have not concealed any money." Then Shámanna said "why do you play antics", come away. My servant and I went back to our house and Shámanna went in the direction of the Agrahára. Early next morning, the date I cannot remember, Shámanna came to my house before I was up: and said every thing is finished, the business is spoilt: then he made a great row demanding immediate re-payment of the 900 Rs., I mean the 1,000 Rs. He added that I must go at once and get it as the Gauda was worrying him about it. On which I went to the defendant's house unaccompanied by any one and found the defendant seated upstairs on a chair and I sat down on one too by his desire close to him. I told him the object of my coming. He remarked "what is meant by money. I won't pay it on any account, adding that he had assisted him (referring to Lingé Gauda) as far as he could by writing in the proceedings in his favor: and that Shámanna could not know any

thing by it. The defendant then left, so I left. On my return I communicated what I had heard to Shámanna, who was waiting at my house. Again Shámanna stated that the case was spoilt though the money had been paid, and that the defendant's statement as to having assisted was not the fact, for, on the contrary, he had urged that the case should be disposed of at once to prevent the witnesses being tampered with. Then Shámanna insisted that I should get the money and went away. Three days after Shámanna came to my house with the Gauda's son, whose name I dont know, and again spoke on the matter. I said what was the agreement, Shámanna said that is right, but, I did not make such an arrangement with the person from whom I brought the money, you must get the money back. On which I went again to the defendant's house. It was in the morning, and as I entered, the defendant left the room to answer the calls of nature: but as I was hard pressed for the money I followed into a room to the west and there told him "It won't do for you to swallow the money, it will get you a bad name as they are bad people; already your reputation is known and they are holding panchâyets in streets and at my house. Both your name and mine will be spoilt, what objection is there to the refund of the money; on which the defendant declined the money, boasting that he would do for him and that he was a worthless fellow that asked for it. The defendant bid me begone as he could not wait. I then went away, and on my return to my house I found Shámanna with twenty others. I told him plainly that he must be bound by his agreement and that I would not make the money good out of my own pocket. No allusion was made to the 100 Rs. I had taken. Shámanna, Subbaiya and others Satdhurna at my house, but Annaiya had gone away before. In the afternoon I called Subbaiya and Shámanna admitted that I had let myself in and promised to pay some thing if he did so too and desired him to speak to the Gauda and Bopgondaparada Arsu. I after some haggling promised to give Rs. 250 and begged Shámanna to do the same: Shámanna consented and went away. Next morning (the date I cannot give without reference to a memo in my house) on Shámanna's coming I squared accounts with him as he owed me money and there was a balance on a bond of Rs. 250 odd, and I tore up the bond and gave it to him in the presence of witnesses. I paid besides Rs. 68, and odd from my own pocket. The 100 Rs. I borrowed I deducted from the amount of the bond. The 250 Rs. which I engaged to make good consisted of the 100 Rs. I had taken, plus Rs. 150 which was settled by the payment of Rs. 68 and the tearing up of the bond. I don't know what the balance (Rs. 82) was on the bond, but it made up the difference. For two months the matter was not agitated in any way, till the Superintendent of Police came from Bangalore and I was called by the Gurkár of the Guardian's office to the Guardian's house where I was examined first by Mr. Gordon whom I knew well: and then I repeated what I said to Major Gompertz. I told them what I have stated already to the Court. Two days after at 11 at night Rámanna and Abkári Sheristadar Shankarappa came to my house. Atchappa Shástri and his disciple were there. Rámanna wished to speak to me aside, and I told him on his asking me that I had told the whole truth to Mr. Gordon. He remarked that the defendant had done a bad thing, that he was sorry for it and that he (Rámanna) would send me Rs. 900 tomorrow and that I should repay it to Shámanna and others and prevent the matter being published. I observed that if the money had been sent before I might have spoken to the parties and got them to consent, but even now if the money was brought I would settle the matter. Then Rámanna and Shankarappa left. Shámanna came next morning and told me that Rámanna and Shankarappa had been to him also and that he advised them to return the money by the channel it had been paid. On my questioning the policy of receiving back the money after the examination before Mr. Gordon, Shámanna promised to go and speak to a person, who that person was he did not mention, nor did I inquire, but shortly after he returned and advised me to take the money. I begged him to come and take it himself. As I was asleep in my house in the evening and Pattang Venkata Rao, Venkata Setti and another were seated near, Abkári Sheristadar Shankarappa and another Krishnappa came upstairs each with a bag under their arm. I called out when they reached the door who is there and answering they sat down by me saying loudly that they had brought the money agreed upon. No, not loudly, but they whispered it into my ear. Then I desired them to fetch Shámanna, but on their objecting to go with the money I sent Venkata Setti who called him. Kálinga Setti then came in with two other Siváchár merchants on business as I lend money. Then Venkata Setti having returned with Shámanna, we all came down-stairs; the lamps were lit and the late Lakshmináráyana Shástri also joined the party. Venkata Setti then left us and Shankarappa made a move. I then dismissed Kálinga Setti and the others on the plea of being engaged, and I, Shankarappa, Krishnappa, Lakshmináráyana Shástri and Shámanna remained. Shankarappa and Krishnappa then deposited their bags on the floor. Shankarappa held the scales, Krishnappa put the money in, and it was weighed at 50 Rs. at a time, Rs. 900 in all. I desired Shámanna to take the money and he took it in a new handkerchief, then he took three scales weight of money and laid it before me. He tied Rs. 750 up till it was a big bundle. Then Shánbhóg Mariyappa came in on business. (This business the Court did not consider needed for record, but the witness remonstrated saying here is the sweet point where the four Arsú's came in). Hebbale Subbaiya, and Subbaráya accompanied saying that Gópi Ars wanted Mariyappa to accompany him to Nanjanagúdu. Another man came in too. Hebbale Subbaiya inquired from Shámanna while Shankarappa was taking a pinch of snuff "what a big bundle you have got under your thigh" Shámanna who is a very talkative man then related from the first what had taken place and at last wound up by saying this was the money that had been recovered. Then Shankarappa and Krishnappa looked small and went away; leaving Subbaiya, Mariyappa,

and the late Lakshminárayana Shástri. I said to them you know the facts, draw up a paper which they did and gave it to me. I then called Guruva and made him carry the money for Shámanna which he did in the new cloth of Shámanna. Shámanna and the rest then left. It was then 10 at night. I know nothing further. I noted all these particulars down in a memorandum in case I might be examined.

Case adjourned at 5 P. M., 11th June 1873.

Cross examined by defendant's Counsel.

I have account books. I have pecuniary transactions, but I cannot say how many I have in three months. I don't know what gains I make, nor do I square my accounts. I have no capital, but as I collect my money I lend it out. I cannot tell how much ready money I have now in hand. I have not referred to my accounts with respect to the dates at which the transactions above related have occurred. There is no connection between the accounts and the transactions. No entries were made of them. I visited the defendant the second or third day after his return from Mallavalli into Mysore. I cannot give the exact date or the day of the week. I had not spoken to Shámanna about this case before that: but spoke to him one or two days after. I don't recollect whether I communicated to Shámanna then the fact of my having had a previous interview with the defendant, but I communicated all that Shámanna said to the defendant and what the defendant, said to Shámanna. I cannot tell positively if any one was present at the first interview with Shámanna. I have now heard read out to me portion of my deposition before Major Campbell (filed and numbered 1). I said the same then to him as I say now. I have no explanation to offer as to the difference in the record. I did not tell Shámanna that the defendant was ready to make matters easy when Shámanna asked me to negotiate with the defendant. I can assign no reason for not mentioning it. I can give no explanation for my not mentioning my first interview with the defendant when I was examined by Major Gompertz. I duly informed Shámanna of the first conversation I had with the defendant either that evening or the next day. I have heard the portion of my deposition (numbered 2) given by me before Major Campbell and what I said before him as to my not having told Shámanna of the first interview is correct. My recollection is now failing. This accounts also for my having told Major Gompertz that Shámanna offered Rs. 1,000 and not Mr. Krishnaswámaiengar had asked Rs. 1,000 (entry in Police proceedings numbered 3) I got the latter into my head yesterday but what has been stated by me before is correct. The whole passage in my deposition of yesterday (marked and numbered 4) is not to be depended upon as my memory has failed. I never saw Shámanna's servant before the day he carried the bag to the defendant's house. (Here the witness Ranga is produced in Court). I am not certain whether this man is the same as it is some time ago. I have not seen him since. I have heard read that portion of my deposition before Major Campbell in which I stated that Shámanna brought no one with him (passage numbered 5). But what I stated yesterday about his servant carrying the bag of rupees is correct. No one was present save my sons Anantanáráyana, Narasimha and Srikanta, when the carpet was spread and the money placed on it; I have heard read out to me the portion of my evidence before Major Campbell (numbered 6), in which I stated my son was not present, but he may have passed in and out though in a different room. I got two scale weights first before the bag was closed or when the money was first being weighed. I asked Shámanna for a fee, but, did not obtain it from the Rs. 1,000. No arrangement was made about the amount; it was left to be adjusted afterwards. I have heard read out to me the statement I made before Major Gompertz in which it is stated that I said that the fee was given then (entry in Police proceedings numbered 7) but such an averment is incorrect. I took no fee. It is a fact as I stated before Major Campbell that Shámanna promised to give me Rs. 100 in the evening. It was intended for household expenses: but not for a fee (entry numbered 8). Shámanna never promised anything to me before: but it was understood I was to get something Rs. 100 or 50 Rs. and that Shámanna and I were to divide the profits. It was first arranged by us that the balance obtained from Súrappa should be divided amongst us. I was to get Rs. 100 and afterwards to divide any sum which would be given by the parties. I don't recollect what was written on the paper affixed by Shámanna to the seal of the bag. I don't recollect if he read it out. It was sealed in view to prevent the servant appropriating the money. I examined the seal at the defendant's house and recognized the writing. I cannot state the exact number of persons that were down-stairs, but there were two three marked Brahmans, but I did not observe whether they were men or women or if they were members of his family. There were some girls in the Chawk leading to the Divánkhána, and I asked them what the defendant was doing, no, but one was passing and I asked her the question and she replied "go in, he is in the Divánkhána." I said now if I tell the truth, my life will go, but I cannot give the meaning. (Evidently the witness meant that it was useless making a statement as he would be cross examined on it) I admit that I stated I was intimate with the defendant; I have seen his son, but I cannot point him out (although he was present in Court and the witness looked for him). The carriage was drawn up in front of the door as I entered the second time when I spoke to Shámanna outside. I took my servant straight up the steps and into the inside room where the money was deposited. I wished Shámanna to see the payment made as he was mixed up in the matter. When I first went up-stairs the defendant was walking up and down the Divánkhána. To reach it one has to go up a pair of stairs on the east which winds twice then into one landing place,

then one to the east and again another to the east which opens on the Divánkhána to the north. The passage through which I was led is to the north of the Divánkhána. The Brahmans were about 8 yards off. As I have stated before I left Guruva seated at the entrance of the house on the Padasále, and Shámanna behind the choultry about 20 yards off beyond the bridge in the lane. The choultry intervenes. I am not certain whether he was standing near the bridge, but he was not with Guruva. I have heard read out the portion of my deposition before Major Campbell in which I stated that I left Shámanna and Guruva near the stair case and went upstairs (passage numbered 9), but the truth is that I left him at the stables and Guruva at the stair case about 20 yards apart. I did not enter into such detail before Major Gompertz, which accounts for my having said simply I left them below (entry in proceedings numbered 10). The room into which I was led was a square room about the size of the Court plat-form (16 ft. × 12 feet). I cannot state how many there were. There was no furniture in it. When the defendant took the money I don't know what became of it whether he placed it on the ground or inside as I stated. Any how he came outside and locked the door taking the key away. There were two Brahmans standing in the Divánkhána, but they have been seated and be Iengars (males) as stated by me before Major Campbell, (passage numbered 11). I said when giving the money that there was Rs. 900, and that I would give the balance of Rs. 100 in the evening. I hear the statement I gave before Major Gompertz read out (numbered 12). It is correct what I told him that Mr Krishnaswámaiengar told me next day that he had counted the money and found there was Rs. 100 short and that I sent to Shámanna for the Rs. 100. I spent about 50 or 60 Rs. of the 100 Rs. I had taken out of the bag of 1000 Rs. so next day I asked Shámanna to get it for me. The same evening I paid the money to Mr. Krishnaswámaiengar; he told me the case was spoilt and advised me not to pay it, therefore I did not pay it. I repeat again that what I said before Major Gompertz is correct. I have no recollection whether Shámanna told me that the case was spoilt that evening or the following morning. I cannot say whether the Brahmans were in the Divánkhána when I returned after paying the money. The defendant called out there for his carriage and the peons seated upstairs at the door of the Divánkhána answered it was ready. I don't know the peons and never saw them before. There was a two wheeled coach and the coachman was seated on the box. I could not identify him nor any one in the house if brought before me. I cannot recollect who introduced me to the defendant Mr. Krishnaswámaiengar. I made his acquaintance at Dván Venkatarájá Ars' house where he used to visit and I cultivated his acquaintance: but he has never been at my house. I have never had any previous dealing with him of any sort or of this sort. I am on friendly terms with him. Srínivásaiengar who is a friend of his. I assisted the former Dván in his affairs. I cannot give one instance of any friendly action that passed between the defendant and myself. I have never had any correspondence with him, nor he with me. I recollect however that he invited me about two or three months ago to a wedding in his house, when I presented the bride and bridegroom with a dhótra, a sire and chóli (bodice) as customary. This was after the bribe was taken and before the money was returned by Rámanna. I gave also a rupee to each of the two dancing girls. What I stated before Major Gompertz, that Shámanna had asked me to use my influence with Mr. Krishnaswámaiengar to get the prisoners released, and if any money was required he would supply it, is correct (passage numbered 13) and not simply that the defendant should make it easy for the prisoner. I did not mention the above particulars when examined before Major Campbell because I had forgotten them. I hear read out to me the statement (numbered 14), made by me before Major Gompertz, that I went the same night that Shámanna came to me to Mr. Krishnaswámaiengar; but what I have said in this Court that I went the following morning is correct. The conversation that passed then between the defendant and myself is however correctly recorded in the Police inquiry (numbered 15), and what I stated in this Court that Shámanna would act up to his (defendant's) wishes if he would make matters easy, is not the correct version. Before Major Gompertz I have stated (passage numbered 16) that Shámanna first came to me about this matter, and in my deposition before Major Campbell, I said he brought the money with him (passage numbered 17); but what I stated in this Court that the defendant was the first to negotiate the matter is correct. I did not say so before as I was not asked as I was in this Court to commence from the beginning, but Mr. Gordon when he made inquiry put his hand on my head, and said he would protect me if I gave evidence as a witness. We spoke through an interpreter, the Gurukár, who also acted as an interpreter to Major Gompertz. My servant Guruva was examined. He required no prompting by me, but told at once the true story. I was present from the commencement of his examination I told him to tell the truth as he stared at me. Mr. Gordon came with him from another room to where Major Gompertz and I were seated. When the defendant was stepping into his coach after receiving the money his office box was put in by some peons; but as the peons in attendance on the defendant are changed once in eight days, I cannot identify him. I knew the late Somasundra Mu[illegible] used to visit him once in eight days. The same peons that were with him are with the defendant. I have seen them often; I cannot name any of them as then present. The man with whom I was acquainted saluted me that day; I don't know nor can I recognize him if he is brought into Court. As Mr. Krishnaswámaiengar stepped into his coach I did not speak to him. My servant was behind me, and Shámanna came from behind the choultry on to the road where we met. I did not speak to him before I came up. He did not ask me where was my servant Guruva; and I did not say to him in reply he is seated there in the passage, Shámanna alone sat down dharna. When the altercations took place between the defendant and myself we spoke in an ordinary tone of voice. No one was present.

I went seven or eight times about the matter. I did not denounce him to the Police or threaten him with a denouncement, as I knew it would be useless since he denied the receipt of the money. I was tired of asking for it. I never made any cry out about it in the street. I did not notice any of the peons when I dunned him for the money. I did not communicate his conduct to any one, save Shámanna. It was at 11 at night when Abkári Rámanna, Sheristadar Shankarappa and Achappa came to my house, and not in the evening as I stated before Major Campbell (passage numbered 18). I was also wrong in stating before Major Campbell that Krishnappa had come, Achappa came (passage numbered 19). There must be some mistake in the record. I have heard the passage in my deposition (numbered 20) in which I stated when Rámanna offered to me the money back that it was necessary to ask Shámanna but what I have stated in this Court, that if the money was brought I would settle the matter, is correct It did not occur to my memory then. My door is open and I keep awake till 12 at night. I saw that no one was present when I sent for and spoke to Shámanna. I cannot state whom of my servants I sent I did not mention this to Major Campbell as he did not inquire: nor did I state to him the reference made by Shámanna to a third party nor about Kálinga Setti having come in at the end of the interview when the money was returned. I did not mention it, as my memory is not good, and words flow from me like mad. Money is due to me by the former Diván's people to the extent of 10 or 13,000 Rs. I have a great case against Lingaráj Ars' widow in Bengal, but cannot mention any other debtors to me here.* What I said before Major Gompertz that Shámanna when I came down-stairs from Mr. Krishnaswámaiengar's said "never mind, we don't care so much for the money but expect him to shew them favor and get them off" is correct. That part of my deposition here is incorrect, though I don't understand what is the difference (passage in Police proceedings numbered 21). I own that I omitted to tell Major Campbell or Major Gompertz that on my entering the Divánkhána where the defendant was walking up and down he asked me if I had brought the money. I was right in stating that Mr Krishnaswámaiengar took us from the Divánkhána through a passage to a room on the north side, but before Major Campbell (passage numbered 22), I made a mistake in saying that Mr. Krishnaswámaiengar was seated in the room and that it was necessary to pass through the Divánkhána to go to it. I cannot account for my omitting to make any mention about the defendant's having driven off in his carriage when examined by Major's Gompertz and Campbell. I sat with Mr. Krishnaswámaiengar about a quarter of an hour after Guruva was dismissed and conversed with him as has been recorded; but I omitted to state this before Majors Campbell and Gompertz. I cannot also account for any discrepancy between the above statement and that I made before Major Gompertz, that I was no time at all with Krishnaswámaiengar when giving him the money. As soon as my servant put it down and went away, I gave it and came down-stairs and rejoined Shámanna (passage in Police inquiry numbered 23). I omitted to state the defendant came down-stairs to his carriage with me before Major Gompertz, but what I stated to him is correct and I have made a mistake in saying I saw the defendant enter his carriage and drive off. I did not come down-stairs with the defendant nor did I see the office box put into the carriage, I was wrong also in stating that I heard him call for the carriage. It is true that I paid to Shámanna only Rs. 68 and odd in cash; but I omitted to mention it to Major Campbell or any of the other particulars concerning Shámanna having dunned me for the money. The account I settled with him with respect to the 250 Rs. which I made good, was a sum due on account of some jewellery, which Shámanna had pledged with me and which I found out were imitation. Shámanna still owes me Rs. 300. I admit that I said yesterday that the settlement consisted about some landed transactions. What I said before Major Campbell, as to the defendant having said to me at the first interview that there was no difficulty about the sons of Lingé Gauda, but that some good might be done regarding the father, is correct. I forgot to mention it in my examination in chief (passage numbered 24) I have had no conversation with Shámanna, the Gurikár, or any one since I gave my statement before Major Gompertz. I was led into this business by the defendant and Shámanna, between whom I acted as a go-between in hope of gain. I don't recollect when I took the money, whether there was a shed in front of the defendant's house or not.

*Court adjourned at ½ past 5 P. M., opened on 12th June, Cross examination proceeded with.

Note by Magistrate.

This witness on entering the Court feigned illness, and was therefore accommodated with a chair. He wished first to read out a written statement which the Court refused to hear. He shortly after the deposition had commenced, requested permission to retire outside a little, which was granted, and on his complaining more the Court offered to send him to the Hospital for examination, but he preferred proceeding with his statement. He gave it most lucidly, persisting in the most minute details being recorded, and remonstrated with the Court when it objected. In cross examination also he shewed much adroitness, in parrying the questions put, and challenged the defendant's counsel at one time. He brightened up towards the end of the inquiry, and was very quick and vigorous under inquiry.

Proceedings of the Chief Commissioner of Mysore, Judicial Department, 15th August 1873.

Memo.

On the statement being read out to the witness in Kanarese, the language which he knew, he admitted it to be correct, but wished it to be recorded that he was under Mr. Gordon's protection.

The deposition of Nanjundaiya, son of Narasappa, taken by me on solemn affirmation, this 10th day of June 1873.

IV. The said Nanjundaiya saith:

I am the Gumásta of Dodda Mallanna and Rámanna who are partners. I write their accounts and sit in the store where business is transacted. All the transactions that occurred on the 19th and 20th December 1872, were entered in the day book marked C, and took place in my presence. There is no entry of the disbursement of any sum of Rs. 900 or Rs. 500 on those days. The cash chest is kept close to where I sit. I saw no payments made to Abkári Sheristadar Shankarappa on those days. As far as I know, the defendant Mr. Krishnaswámaiengar has had no pecuniary dealings with Rámanna, except that the supplies of grain, ghee, jaggory &c., were made to him as entered in the ledger marked A; but payment has not been made, nor do I know if it was demanded.

Cross examined.

I made out the shop bills, and in this instance I made one, but did not witness its being presented. It is sent generally by servants. Mr. Krishnaswámaiengar, the defendant, has never banked with Dodda Mallanna or Rámanna.

The deposition of Shankarappa, son of Nanjundiya, taken by me on solemn affirmation, this 12th day of June 1873.

V. The said Shankarappa saith:

I am the Sheristadar employed by Captain Taylor of the Abkári Department. I am not acquainted with the witness Kásipati Shástri. I have never been to his house. I have never taken any money to him. I know Balláppa Shámanna by sight, but am not acquainted with him. I had never any conversation about the defendant with Shámanna nor did he say anything about him in my presence. I am not aware of any pecuniary dealings between the defendant and Rámanna.

The deposition of Ranga, son of Hanuma, taken by me on solemn affirmation, this 12th day of June 1873.

VI. The said Ranga saith:

I am a cooly residing in Mysore and was formerly a servant to Shámanna. Shámanna never gave me a bag of Rs. 1,000 to carry to the witness Kásipati Shástri's house in June last. I have been with Shámanna there and I have taken messages for him there, but I never carried any money there. I don't know Kásipati Shástri's sons. Shámanna dispensed with my services about six or seven months ago.

The deposition of Guruva, taken by me on solemn affirmation, this 12th day of June 1873.

VII. The said Guruva saith:

I am the son of Chinnaiya, and servant to the witness Kásipati Shástri. About 9 o' clock in the morning one day, about ten months ago, Balláppura Shámanna came to my master's house with a large bag of rupees. He carried it himself. I saw him enter the house as I was at the door. They had some conversation together for about an hour, and then my master the Shástri called me and desired me to carry the bag from the door of the room. I followed him carrying the bag to Mr. Krishnaswámaiengar's house, Shámanna also accompanied us. He fell behind us near the old choultry about 30 yards off, and I was left just outside the door at the steps, and my master Kásipati Shástri went up-stairs telling me to sit down till his return. In a minute or two, he returned, passed me, and talked with Shámanna, then went up-stairs again taking me with him. Kásipati Shástri directed me to put down the bag at the door of the room, and I stood by it, while he went down again to Shámanna, and then returned. The defendant was standing a little distance off in the room. (I don't know what room

as there are rooms in all directions,) and Kásipati Shástri then told me to go away : therefore I went down-stairs, and in about quarter of an hour, Kásipati Shástri came down too : then Shámanna joined us, and we went away, Shámanna returning to his own house in the fort. I don't know where we parted.

Cross examined.

I did not bring the bag to the witness Kásipati Shástri's house for Shámanna. The bag was tied and sealed with sealing wax. Mr. Krishnaswámaiengar when I saw him, was standing and made no remark. I was not sent anywhere that morning : and did not go to Shámanna's house for the money. I did not see anything done with the money in Kásipati Shástri's house. I put down the money in the room which is the near the steps.* I did not pass through any room or passage to that room. I did not notice the size of the room. Mr. Krishnaswámaiengar, was standing about 4 yards from where I put down the bag. I did not see any one in the room with the defendant, or in any other room. There were no peons up-stairs. Peons were standing down-stairs, but I did not speak to them, nor they to me. Kásipati Shástri did not speak to any one in entering, but went right in. I carried the bag on my shoulder as I went up-stairs. Shámanna when we left the house joined us at the peepul tree from the choultry. I did not hear any conversation between them as they came up. I cannot say how far I was behind. I did not see Kásipati Shástri do anything in particular, nor did I overhear any conversation about myself. No one came down with Kásipati Shástri. Some peons were standing at one side. I did not see any office box carried by a peon, nor did I see any carriage at the door. I did not hear any one call for the carriage. When I was examined by Mr. Gordon, Kásipati Shástri was not in the room. I said at first I knew nothing about this case, which was the fact. I said the same before Major Gompertz in the presence of Kásipati Shástri. He told me to tell about the money being taken and desired me to tell that it was true. I then related how I had taken the money. What I have now deposed to actually occurred and is true. Kásipati Shástri told me not to be afraid, but to tell the truth which I then did. He did not speak to me before in the matter. I know the defendant well. I have seen him frequently. I hear read out to me that passage in my deposition before Major Campbell (numbered 25), in which I am stated to have said that "I cannot say I have seen Mr. Krishnaswámaiengar before." Both statements are correct. I cannot explain how. When I came down-stairs after leaving the bag, I did not see Shámanna. He was hid by the wall. I did not tell any one that after placing the bag down, I stood at a short distance, but I went down-stairs. I did not say otherwise to Major Gompertz. I cannot account for its being on record (passage numbered 26). As I have already deposed Kásipati Shástri did not say a word in my presence to the defendant Krishnaswámaiengar, I cannot account for my having stated before Major Gompertz, that my master spoke to Krishnaswámaiengar saying he had brought the money. I did not notice how Mr. Krishnaswámaiengar was dressed, en dishabille or not, whether he had his turban on or not. I cannot account for my having stated before Major Gompertz, that Mr. Krishnaswámaiengar was dressed as if to go out (passage numbered 28). It is not correct that I did not see any one besides ourselves at Mr. Krishnaswámaiengar's house as I stated to Major Gompertz (passage numbered 29), because I saw the peons. I could not point out any of them now. I don't know any of them, nor am I acquainted with them at all. I did not say that Shámanna, when I brought the money, remained under the tree near the choultry. I cannot account for my having said so before Major Campbell (passage numbered 30). I hear the passage read out, in which I have stated before Major Campbell, "after I placed the bag down, I retired into a passage," (entry numbered 31). I did not come down the stairs with Kásipati Shástri, nor did he call to me to come down-stairs with him. I cannot account for my having deposed before Major Campbell, "that he then called to me and we went down together (passage numbered 32). I never carried any other money for my master. My master does not close his house till 12 at night. I have taken money from my master to Shámanna's house. I have been fifteen years in his service and get Rs. 3 a month as pay, I cannot state whether when I carried the money to the defendant's house whether was a pandal in front, or not. I don't know peon Ninga. Kási-Shástri did not take the bag out of my land.

Memo.

On the deposition being read over to the witness, he stated he wished the portion marked with an * to be corrected, as the room into which he went was not at the head of the stairs, but an inner room. On being asked however to describe the entrance, he said he was unable, and could not state the number of doors, and how the room was used.

The deposition of Ballápura, Shámana taken by me on solemn affirmation, this 13th day of June 1873.

VIII. The said Ballápura Shámanna saith, I am the son of Shankara Bhatta and live in Mysore. I am a money lender, and am the renter of villages belonging to the parents of His Highness the Rájá. About 8 one morning, last Jéshta (June), one Súrappa, who is the agent of my villages, came to me, and

Proceedings of the Chief Commissioner of Mysore, Judicial Department,
15th August 1873.

said that Kánte Ars wanted to speak to me. I accompanied him then to Kánte Ars' house and Kánte Ars then said to me "There is a Gauda come, Súrappa will speak to you about him and you must render him assistance." I replied you may communicate with Súrappa. I therefore stood apart and allowed them to converse together. As I sat myself down near the window, I did not hear clearly what they said; but after quarter of an hour Súrappa came to where I was seated and said "Buballi Lingé Gauda's son has come: it seems his father is taken up on a charge of murder which was being inquired into by Mr. Krishnaswámaiengar, if you can render assistance through an acquaintance, please do good for him." I replied "I am not able to do anything." Súrappa repeated his request, and I gave him the same answer. Then we both went away together, and at the door of the house Súrappa asked me a third time to do the favor, and I then answered "I have no acquaintance but Kásipati Shástri with whom I will consult." We then parted at the door of the Chikka Aramane and he went towards the Palace and I went home. After 4 o'clock in the same evening I went to Kásipati Shástri's house and told him that Súrappa (a great man) had asked me to assist that person (referring to the Gauda) who is a family man and is dying: it is a murder case, and if you have acquaintance with the Magistrate you can speak to him in his favor and do good. Kasipati Shástri said he would think over it and desired me to come next morning. On going to him next morning Kásipati Shástri told me he had spoken in the matter and that good will be done. I then was taking leave when Kásipati Shástri said "if you bring Rs. 1,100 the good may be done." I asked him why there should be a Rs. 1,000 and a Rs. 100 needed, to which he replied the 1,000 Rs. were for Mr. Krishnaswámaiengar and the 100 for himself. I inquired whether the sum, if brought, would effect the object, and Kásipati Shástri replied in the affirmative. I then promised to communicate with the party employing with me. I then went away to the tank and as I was returning on the bund of the tank about half past 6 in the morning I met Súrappa and mentioned to him what Kásipati Shástri asked. He asked me to come to Kánte Ars' house when I would get my answer. After going home I went to Kánte Ars' house about 7, where I found Kánte Ars, Súrappa and Annaiya besides the servants. Kánte Ars said he had received a letter from his brother to give Annaiya a loan of Rs. 3,000 and he asked Súrappa to write a bond out for it. Annaiya having given his assent to its being written, Súrappa wrote it and the Gauda (Annaiya) signed it as well as the attesting witnesses. I cannot say if I were one of them. Kánte Ars saying he would get the money took us to Chikka Vírappáji's house where his son-in-law was putting up. When we went there the son-in-law was asked to produce the money which had been entrusted to him. He went inside the house and returned with two bags of rupees, which he asked should be counted. Kánte Ars, Annaiya and two others who were servants of Kánte Ars, counted it. Annaiya then said it is all right: there are Rs. 2,000. I inquired why the document was made out for Rs. 3,000 and Kánte Ars explained that he would give the remaining 1,000 Rs. afterwards, to which Annaiya assented. The money was then taken away by Súrappa and the two servants to my house. Before leaving, Kánte Ars desired Súrappa to take Rs. 1,100 and retain the balance for any other expenses Annaiya might have to meet. The whole of the money was then left by them with me, and Súrappa desired me to give Rs. 1,000 to Kásipati Shástri. Nothing was said about the Rs. 100. In the meantime Kásipati Shástri's servant, the witness Guruva, had come to my house to call me. I said I would come, and he went away. About half past 9 the same morning I gave a bag of Rs. 1,000 to my servant Ranga to carry and went with him to the witness Kásipati Shástri's house, which I reached at half past 9 or near 10. After my servant had placed the bag before Kásipati Shástri I dismissed him. He inquired how much money. I said Rs. 1,000. He weighed it out and took Rs. 100; I asked the reason; he replied, I shall make it good as you are to bring me Rs. 100 as my fee. Kásipati Shástri then called for a light and sealed the bag with sealing wax. He then called his servant Guruva to take up the bag, and asked me also to accompany him. I said "why," he replied simply "come along." He took us then to Mr. Krishnaswámaiengar's house and told me to stay outside in front of the house on the road by the shed at the turn from the Agrahára about 5 yards from the gate: and he went into the house with his servant Guruva. I went to Ganásagiri's house and sat on the pial for a quarter of an hour, after which Kásipati Shástri came to me and said "the money is not to be returned, but the business will end prosperously." I replied "just as you please," on which he went back into the house saying to me don't come. He returned after one and a half Indian hour (40 minutes) and joined me round the house, I meeting him on the road on the Hosa Agrahára Street about 20 yards from the defendant's gate. Guruva was following him close behind: Kásipati Shástri said simply he had given the money. No other remark was made. We went together to the bridge of the Hosa Agrahára where we parted. It was about 11 or half past as we left the defendant's house. I went straight to Súrappa's house in the Halé Agrahára and informed him of what had occurred, and then went home; the following night about 8 or 9 Súrappa came to my house and told me that the case had been spoilt. I cannot give the date or the day of the week. He asked me to go to Kásipati Shástri and get back the money. I said I would go, on which he left. I then went about 10 the same night to Kásipati Shástri, and as he was sleeping I roused him. He asked if I had brought the Rs.100. I said let that be, the case has been spoiled, bring back the 1,000 Rs. He asked me why, I said I don't know more, the return of the money is demanded. He promised to give me a reply the following morning after making enquiries. I then went home. Not having heard from him next morning, I went to him in the evening, but he was out. I found him however at home the following morning, and he said "I had been, there is no opportunity, but go home and I'll send you word." I desired him to expedite matters, and

not make excuses as there is urgent demand being made for the money. When I returned home I found Súrappa waiting for the money, and I put him off saying it would be got. In that manner I was making demand frequently for fifteen days, and Súrappa was dunning me with the Gauda and his people. After that I took Súrappa and went and sat down at Kásipati's house. Kásipati Shástri made excuses to Súrappa. Two or three days after Kásipati Shástri offered to make good Rs. 250 if I would give an equivalent sum to give Súrappa Rs. 500. I assented and Súrappa agreed. As I owed Kásipati Shástri Rs. 168, he deducted it from the Rs. 258 which he was to give, and paid me Rs. 80 and odd. I gave the money Rs. 500 at 7 at night to Súrappa who came to my house with Annaiya. They went away. That was all that transpired then.

About five months ago I was sent for by Mr. Gorden, the Guardian, to his bungalow and was examined by him and Major Gompertz, Major Gompertz's butler acting as interpreter. About three days after at 1 in the afternoon Abkári Sheristadar Shankarappa and Krishnappa came to me and enquired if I would take back the Rs. 900 which had been given through Kásipati Shástri. I replied that the money had been given to Kásipati Shástri and that I would not take it back from them. Some servant, not Guruva or Subbáráya, came and called me at 7 at night to Kásipati Shástri's house and I found Abkári Sheristadar Shankarappa and Krishnappa seated there with some others, five or six persons, whose names I don't know. After some time Shankarappa asked the Shástri to dismiss the strangers: only a brother-in-law of Kásipati Shástri remained. Then Shankarappa and Krishnappa each took out a bag from under their arm, and opened them. The Shástri provided a pair of scales which he handed to Krishnappa, and he weighed out Rs 150 in three amounts and kept them for himself: and then gave me the rest in fifteen times Rs. 750. Lakshimináráyana Shástri, Kásipati Shástri's brother-in-law, tied up in a cloth of mine the Rs. 750, which had been used for a month and a half. At this time Shánbhóg Mariyappa entered with Subbaiya and two or three others on business with Kásipati Shástri. Subbaiya inquired from me about the money I had as he is acquainted with me, and I spoke to him about it. Then Shankarappa and Krishnappa left, and I left also with the money, Guruva carrying it for me home. I asked Súrappa next morning to take away the money, and he said he would write to the Ars, till then the money should remain with me. About ten or twelve days after Major Campbell held an inquiry and by his order I produced Rs 500. The Rs. 250 was retained by me to make good the sum I had previously given to Súrappa. Súrappa gave me no receipt for the repayment of Rs. 500.

Cross examined by Court.

I returned the other 1,000 Rs. which Kánte Ars gave on the bond to Súrappa about 1 or 2 in the afternoon of the same day after the money for Mr. Krishnaswámaiengar had been given by me to Kásipati Shástri. I did so, as Súrappa asked for it when I went to him after having been at the defendant's house.

Cross examined by defendant's counsel.

I knew nothing about this matter, nor did I take any part in it till Súrappa came and took me to Kánte Ars' house. No one had spoken to me about it or written to me about it. I hear read out to me the statement made by me before Major Gompertz that I had received a letter in regard to Annaiya's father's case from a friend of mine, Bopakunda Víraráj Ars (passage numbered 33). I don't recollect ever having said so. I never received any letter about this matter from him: nor did I tell Kánte Ars that I had received a letter to assist Annaiya in the case. I never said so to Major Gompertz and cannot understand how it has been recorded to that effect (passage numbered 34). Súrappa mentioned to me something about a letter, but I cannot recollect about it. I saw Annaiya for the first time in Kánte Ars' house, the first time I went there with Súrappa. I don't recollect Súrappa's ever having brought him to me first. I may have said so to Major Gompertz (entry numbered 35), but it has escaped my memory. Kánte Ars lives in Chikkaramane with his relations there. There were some people present at my interview with Kánte Ars' but I cannot name them. What I stated before Major Campbell that I went to Kásipati Shástri's house in the evening of the next day is correct (entry numbered 36). From defective memory I have stated in this Court that it was the same evening on which I had been to Kánte Ars' house. I have deposed according to my recollection. I may have said to Major Gompertz that Kásipati Shástri asked me to bring Rs. 2,000 for the defendant (entry numbered 37). I recollect now his having made such a request: but subsequently he reduced the demand to Rs. 1,100—I don't recollect ever having asked him how he made such reduction and on what account. The defendant he stated promised for that to do good. I remember now when the statement made before Major Gompertz is read out to me, that Kásipati Shástri told me that if Rs. 2,000 were paid, Lingé Gauda at any rate would not be sentenced at the Sessions to be hanged. No one was present during the conversation. I don't recollect seeing any of his family. It was then 4 or 5 in the evening. This is wrong, but what I said before that it occurred in the morning is right. What I deposed before Major Campbell that it was the third day at 8 A. M. that I mentioned to Súrappa the subject of the above conversation is correct: and what I have deposed in this Court of having done all in the second day is incorrect, owing to my defective memory (passage numbered 38). It was owing to the same cause that I omitted to make mention of the demand for Rs. 1,100 to Majors Gompertz and Campbell. The bond originally executed by Annaiya for Rs. 3,000 was subsequently cancelled about a month after by the execution of another bond for Rs. 2,000 owing to the balance of Rs. 1,000

not being paid. It was written by Annaiya himself in Súrappa's house when the Rs. 500 was re-paid by me. The money (Rs. 500) was paid in my house to Súrappa, but I went to his house at 5 in the evening before. I saw the money paid by Súrappa to Annaiya. I cannot explain why the amount of the bond was reduced. There was at that time only Rs. 500 actually due by Annaiya, for Rs. 1,000 had not been paid of the Rs. 3,000, Rs. 1,000 had been returned by me and Rs. 500 had been made good by me and Kásipati Shástri. I can account for it by mentioning that Rs. 500 had been let off by Annaiya. Nothing was given to me. I returned all the money that ever passed through my hands. I omitted to make any mention of the bond for Rs. 3,000 to Majors Gompertz and Campbell, because they did not ask me about it. The bond for Rs. 2,000 was never cancelled for having been originally drawn up on insufficiently stamped paper. I cannot account for my having said so to Major Campbell. Both bonds were drawn up on stamp paper. I dont know if Annaiya had any money when he executed the bond for Rs. 3,000. I don't know where the stamp paper was purchased. I am certain it was in Jéshta. I remember that a receipt was also executed when the second bond was drawn up. I did not see the first bond for Rs. 3,000 cancelled when the second was executed. I returned the 1,000 Rs. that was not needed to Súrappa by one Shankarappa, a Shánbhóg, who puts up at my house occasionally, but got no receipt, only his verbal acknowledgment afterwards about 2 P. M. I cannot account for my having said to Major Campbell that Súrappa took away Rs. 1,000 at 10 A. M. That statement (numbered 40) is incorrect, as I was then near Krishnaswámaiengar's house or was leaving Kásipati's house. I omitted to mention about the Rs. 2,000 bond to Major Gompertz, because it did not occur to me. I cannot say how long it took to count the Rs. 2,000. Three or four people were counting it. It was brought in two bags of Rs. 1,000. Súrappa may have brought some money in a handkerchief. I cannot account for my having stated before Major Gompertz that Guruva, Rája Setti, and Súrappa each brought a bag (entry numbered 41) I did not count the money I kept, nor do I recollect counting it when I sent it to Súrappa: nor did I count the other Rs. 1,000, which I took to Kásipati Shástri. Annaiya did not know me before. He trusted Súrappa and Súrappa trusted me, so Annaiya did not go with me to Kásipati Shástri's house or to the defendant's, nor did Súrappa. The latter came only as far as my house with two or more of the Ars's people. Annaiya did not come, at least I don't recollect. All who came went away of their own accord, Súrappa also went away with them; but now that I hear the statement which I made before Major Gompertz, I state that the above assertion is incorrect as Súrappa waited behind the rest a little and then left (passage numbered 42). As I have already stated I sent the 1,000 Rs. to Súrappa. He never kept it in his charge when at my house. I do not recollect ever having deposed differently before Major Gompertz (passage numbered 43). I remember Súrappa telling me to send the Rs. 1,000 to his house, I don't know why. I don't recollect anything being said about the other Rs. 1,000 being paid in advance. What I said to Major Gompertz, I think is not true as there was no advance made, and I cannot account for the sum being given in advance. Guruva came and called me at that time, but he said only come. I don't recollect Guruva's saying the money was wanted soon. There was only Guruva and another servant Subbaráju at Kásipati Shástri's house when I went there. I don't recollect whether his son Asvat Shástri was present or not. I don't recollect whether of the money given to Súrappa any portion was in change, silver or copper: but all the money given to Kásipati was in rupees. I did not take notice whether any of the money received from Tankasále Ars (that is of the Rs. 2,000) was in small change and coppers. I may have stated differently before Major Gompertz (entry numbered 45); but my memory is failing owing to the lapse of time. Kásipati Shástri or his son sealed the bag in his house which was taken to the defendant with the ring seal of Kásipati Shástri's son. I don't recollect whether anything further was attached to it. The Rs. 100 was taken from this amount for brokerage. This sum was agreed upon before at my second conversation with him when it was settled that the money should be brought. Kásipati Shástri gave the Rs. 100 to his son. I had never been near defendant Krishnaswámaiengar's house before. I did not see Guruva from where I was after Kásipati Shástri went with him to the defendant's house. I cannot account for my having stated to Major Gompertz (passage numbered 46) that Guruva was seated in Krishnaswámaiengar's house in the passage. I could not see the passage from where I was. I don't recollect having had any private conversations with Kásipati Shástri at Ganeshagiri's house except that he told me the money would not be returned. I don't recollect his telling me that the defendant objected to my coming up-stairs. Guruva was out of my sight for two Indian hours. I don't recollect Kásipati Shástri's ever having shaken out his cloth and asked me to search him to shew that he had paid the money. I saw Kásipati and Guruva enter the defendant's house as I advanced a little beyond the choultry and afterwards fell back. I saw them also a little as they came out. It is true also that I could not see the entrance well on account of a pandal of cadjan leaves which obstructed the view. I was a vakil for twenty-five years. I pledged some jewellery with Kásipati Shástri, but he never accused me of having cheated him as to its value. No deduction was made by him on this account when squaring account when he made good Rs. 250. I recollect that Súrappa told me that the case was spoilt the evening of the next day after the money was given. I told Major Gompertz that about a week after I heard the case against Lingé Gauda had been committed to the Sessions, and a few days afterwards that Annaiya and Súrappa came to me and said that as the case had been spoilt the money should be returned (passage numbered 47). I don't recollect Annaiya having come with Súrappa then or not. I

Here the witness fences. No. 44.

am certain the latter came to my house and told me of it at night. I did not go to Kánte Ars' house to receive the information. I hear read out to me what I have said before Major Campbell that three days after this Kánte Ars sent for me to his house by Súrappa and told me that the case had been committed (passage numbered 48). That statement is correct as my recollection is not so good now. The same evening when I asked Kásipati Shástri to return the money he asked me for the 100 Rs. which I had promised to pay him as brokerage and I promised to pay it. This is true. It was needed to make up the 100 Rs. deducted in the morning for brokerage.

To pay Súrappa, I made up Rs. 420, as Rs. 80 and odd only were paid by Kásipati Shástri, he having, as I stated before, deducted the debt due by me to him from the Rs. 250, which he gave. I am at a loss to account for how I came to say before Major Gompertz that I made up only Rs. 380, (passage numbered 49). I and Súrappa did not return Rs. 1,500 to Annaiya. I paid every thing to Súrappa. I don't understand how it is on the record (passage numbered 50), that I and Súrappa returned Annaiya Rs. 1,500, in the presence of Guru Rao in the house of Súrappa. As I have already stated, the money (Rs. 500), which Kásipati Shástri and I made good were returned to Súrappa in my house. I obtained no receipt. I stated before Major Gompertz, that Kásipati Shástri put me off for about a month, (entry numbered 50), when I asked for the return of the money. I never obtained any receipt from Annaiya when returning the money. I don't understand how it is on record (passage numbered 51), that we obtained a receipt from Annaiya for Rs. 2,000. I cannot recollect having been consulted by Kásipati Shástri about his acceptance of the money that Rámanna offered to return. It may be so on the record (entry numbered 52), and if so, the statement should be accepted. I now recollect that I was consulted by Kásipati Shástri. I told him, I would consult some one, and I then went to Mr. Rangáchárlu in his office, and consulted him. I did so, because the case had been investigated by Mr. Gordon. Mr. Rangáchárlu advised me to receive the money, and get a receipt from the party to whom it was due. Five or four months previous to Mr. Gordon's inquiry, I mentioned to Mr. Rangáchárlu, the Controller, the above facts, as he was pressing me for the payment of some contract money. No complaint was ever made against me of cheating in 1865, nor has any order been passed against me. A case was brought by Sanjiva Rao, but he withdrew it himself. I admit that it is true, what I said before Major Gompertz, that Kásipati Shástri returned from the defendant's house, saying that he (Mr. Krishnaswámaiengar) had said that if he had to commit Lingé Gauda to the Sessions, he would not return the money, and that I then replied "Lingé Gauda is a rich man, the great point is to get him off, the money is a secondary matter." I have stated this also in my examination in chief when I deposed that Kásipati Shástri said," the money is not to be returned, but the business will end prosperously, and I replied just as you please" I returned Rs. 250, which I made good, to Súrappa as he who was the go-between sat dhurna at my house, although I had received no profit on the transaction. I have acted throughout from motives of pity, Súrappa having represented to me that the man's life was in jeopardy. I owe Kásipati Shástri some money still, Rs. 300, on some jewellery pledged some one year and a half ago and some two or three years ago. I executed a chit to him as an acknowledgment of the receipt of the money. It has not been cancelled: but there was another transaction for Rs 2,000 on a bond on which interest and a balance of principal was due, and when the Rs. 250 was given by Kásipati Shástri, it was taken into account. I saw Rs. 580, including the Rs. 500 which were made good and 80 Súrappa borrowed from me, paid by Súrappa to Annaiya at my house on one occasion. I am certain that when I went near the defendant's house with Kásipati Shástri there was then a shed of cadjan leaves before the defendant's house. There were several officials in his house, when I told Mr. Rangáchárlu of this transaction, but I cannot give their names as I don't recollect them: in like manner there were Munshís and others present at the second interview at the office, but I cannot recollect their names. It was about half past 11 when we left the defendant's house. I did not see any coach drawn up at his door or see him leave for the office. There were peons about the house, two or three. I did not notice any one going into the house, or leaving it then. I recollect now that the date of the first bond for Rs. 3,000 was jéshta Shudda Panchami (10th June 1872). I gave it before Major Campbell though the sum was erroneously stated by me to be Rs. 2,000 (entry numbered 53). I keep no accounts.

Note by Magistrate.—The witness shewed much unwillingness to answer questions on cross-examination; trying to avoid doing so by stating "I don't know. I cannot recollect."

The deposition of Súrappa, son of Ráma Bhatta, taken by me an solemn affirmation, this 11th day of June 1873.

IX. The said Súrappa saith:

I am Vrittidar (land-holder) and live in Mysore. Kánte Ars, whom I know well, sent for me one morning about a year ago, and on going to his house I found Annaiya and others there. On my inquiring from him the object of his sending for me he said that there was an unjust case against the father of the man seated there (referring to Annaiya), and his (Kánte Ars) brother Bopagaudanapurada Ars had sent him word to obtain my assistance, and that he (Kánte Ars) should lend him (Annaiya) money and obtain a bond from him which was to be sent to him (Bopagaudanapurada Ars). I

left Kánte Ars' house saying that I could render no assistance, but would think over it. I spoke to Shámanna the same day about it, but I cannot tell the exact time or place where I conversed with him; whether Shámanna came to my house or I went to Shámanna's. I related to him exactly as I had heard, and he replied he did not know what assistance he could give, but he would think over it. The next morning about half past 6 or 7 I went to Shámanna's house and took him to Kánte Ars: and Kánte Ars repeated what he said to me to Shámanna. I then spoke to Annaiya, all listening what was the case about. He replied that his father was being unjustly tried for murder before Mr. Krishnaswámaiengar. I remarked; I could not help him; after which Shámanna and I left the house. I then asked him in the street if nothing could be done; on which he replied he would speak to Kásipati Shástri. Next morning I met him at an early hour at the tank when he told me that he had been speaking with Kásipati Shástri who had told him that if Rs. 1,000 were given to the defendant and Rs. 100 to him (the Shástri) good might be done. I consequently desired him to come soon to Kánte Ars' house. I found Annaiya waiting at my house on my return. I related to him Kásipati Shástri's offer and told him to go to Kánte Ars' house and I would follow. I went there too at 7 the same morning and Shámanna joined us afterwards. Annaiya begged Kánte Ars to give the loan: which he said he would were a bond executed. Annaiya produced the stamp paper and at Annaiya's dictation I wrote the deed for Rs. 3,000 in favor of Kánte Ars. Annaiya signed and Shámanna and I attested it with another witness either Guru Rao or Mallaiya. Then promising to give us the money Kánte Ars took us and Gururáya or Mallaiya and a servant to Chikka Vírappájí's house. Kánte Ars then desired Tankasále Ars to get the money on which the latter brought the money from inside in two bags of Rs. 1,000 each. Annaiya and I counted the money Rs. 2,000 in all which was given to Annaiya. Kánte Ars promised to pay the remaining 1000. Rs. afterwards as he had not the money then. Then Annaiya observed that Rs. 1,100 had to be paid away and inquired where the remainder should be kept Kánte Ars said that it might be kept by me and that I would supply him with money as needed. Shámanna, Kánte Ars' servant Ráchaiya, and I carried the money. Some of it that I carried was in my handkerchief and the remainder was in a bag which I cannot describe. Shámanna did not carry anything: the servant carried the big bag. We took the money to Shámanna's house and I then went home. Annaiya remained at the Ars' house. About 12 (noon) Shámanna came to my house and said that Rs. 1,000 had been given by him to Kásipati Shástri, who said it had been delivered by him to Mr. Krishnaswámaiengar minus Rs. 100 which Kásipati Shástri had kept for himself. I made no remark and Shámanna returned home. About 1 o'clock one, Shankraiya of Shámanna's house brought me Rs. 1,000 which had been left with Shámanna. I left it with him in the morning because I had business, the nature of which I don't recollect, and I had confidence in him. I did not send him a written acknowledgment as I held Shámanna responsible and could trust him. On the next evening about 9 o'clock Annaiya came to me and said that the case was spoilt as it had been committed: and that he wanted his money back as no good had resulted from trusting me. I promised to inquire remarking that the business would not be spoilt. I then went to Shámanna's house and told him what I had heard and desired to get the money ready; on which he left for Kásipati Shástri's house saying he would speak to him; I then went home Ten to twenty days Annaiya used to demand the money from me and I used to demand it from Shámanna, and he put me off by saying that he had dunned the Shástri. In the meantime as Anniya asked for money I paid him Rs. 500 out of the Rs. 1,000 I was keeping and Rs. 380 on another occasion, on a third occasion Rs. 40. One day more than ten and less than fifteen days after the bribe had been given I went with Shámanna to Kásipati Shástrí's house who promised to settle the matter the following day saying he could not get the money returned. Next day Shámanna told me that as the money was not coming back from that quarter Kásipati Shástri had agreed to make good Rs. 250. In the meantime I was desired by Bopgaudanapurada Ars to settle the matter and forward a receipt. I then pointed out the loss to Annaiya and he consented to abate Rs. 500; then I got him him to execute a bond for Rs. 2000 with a receipt. It was in the month of Ashádá (July), I don't recollect the exact date. At that time Shámanna came and I told him how the matter had been settled and there was Rs. 580 to be paid into Anniya: then we with Gururáya went to Shámanna's house in the evening where the above sum was paid by Shámanna to Annaiya. I then sent Annaiya's stamped bond for Rs. 2000 the receipt with a letter by Gururáya to Bopgaudanapurada Ars enclosing also a letter from Annaiya to him. In this manner I was relieved from responsibility. Five months after I wrote to Bopgaudanpurada Ars a letter concerning what Shámanna told me. I was also examined by Major Gompertz and Major Campbell, when I related to them the above facts. I have complained to many that my money had gone, as I had promised Shámanna to pay half of the Rs. 250 which he had to make good. I acted throughout to obtain the favor of Kánte Ars, and Shámanna acted for my favor.

Cross examined by defendant's counsel.

I took Rs. 1,000 from Shámanna instead of Rs. 900 as agreed in Kánte Ars' house, because the Rs. 100 was to be given to Shámanna when he asked for it. No arrangement was made but from Rs. 1000, being sent I thought the Rs. 100 was to be paid him (Shámanna). He did not ask me for it. I don't know why. I never spoke to him about it or any one. I held myself responsible for Rs. 2,000 though I gave Annaiya no document, or the Ars any document. The money was Annaiya's after the execution of

the first bond for Rs. 3,000. I came to a settlement with Annaiya and sent the receipt I obtained from him to Bopgaudanapurada Ars. It was in my house on the 21st July, or 22nd July. Shámanna, Annaiya, Gururáya and I with others I think were present, and they attested both the bond and receipt. The Rs. 2,000 which I discharged that day and for which Annaiya gave a receipt, consisted of Rs. 500, which was remitted, previous payments made by me Rs. 500, Rs. 380 Rs. 40 and lastly after Shámanna had made good Rs. 500, Rs. 580, total Rs. 2,000. The actual money paid was Rs. 1,500 ; but the receipt was for Rs. 2,000 as Bopgaudanapurada Ars originally lent the money. Shámanna gave me the Rs. 580, 80 of which was my account with him. I never took Rs. 80 as my commission, and I cannot account for my obtaining it from Shámanna when I had Rs. 1,000 of Annaiya's. First before the receipt was given by Annaiya he executed the bond for Rs. 2,000 in lieu of the Rs. 3,000 bond which had been drawn up on insufficiently stamped paper, but the bond for Rs. 3,000 remained with Kánte Ars and the Rs. 2,000 bond, in which allusion is made to the Rs. 3,000 bond, was sent by me to him also. I acted as a go-between, and therefore was mixed up in the matter. I cannot give exact date of the first bond for Rs. 3,000, but it was executed in June. I did not mention dates when settling with Annaiya. I gave him only the items. I took Annaiya once to Kásipati Shástri on the occasion of the demand of the return of the money. I don't recollect how long after the bribe had been paid. Annaiya did not speak to Kásipati Shástri. He did nothing there ; he simply accompanied me when making the demand. I cannot describe the size of the handkerchief, whether it was large or small. I knotted the handkerchief. I don't recollect how much it contained. I did not count it. The money was not counted at Shámanna's house. I don't recollect whether there was any small change or copper. I admit having said before Major Gompertz that there was about Rs. 1,000 in the handkerchief, that is correct. I leave it to the Court to determine whether the rest of the money was carried in bags as I told Major Gompertz (entry numbered 54) or in only one bag as deposed to in this Court. I have deposed as my memory served me. I don't recollect now whether Annaiya and Gururáya went with the money to Shámanna's house. I may have said so before Major Gompertz (entry numbered 55). There was no small change in the 1000 Rs. sent to me by Shámanna, nor do I recollect if there was any when the money was originally given by Kánte Ars. I may have stated that the money was in rupees, small change and copper before Major Gompertz. I left the money and the handkerchief in Shámanna's house. What I have stated before Major Gompertz, (entry numbered 57) that the money was brought in a gúni bag, is correct as my memory served me then, and what I have stated here may be also taken as correct as my memory serves me now. I don't recollect now that Rája Setti and Guru Rao also counted the money, though I may have said so before Major Gompertz (numbered 58). I recollect that Kásipati Shástri's servant came to Shámanna's house while we were there. I met Annaiya the first time at Kánte Ars' house. I have no recollection of having stated to Major Gompertz that he came to me with an introduction from Bopgaudanapurada Ars (entry numbered 59). I did not see Shámanna leave his house with the money, I don't know who took it. The Court may infer whether this statement is correct or that I gave to Major Gompertz that Shámanna went with a servant, he then had one Ranga who is not now in his employ : they took 1000 Rs. on their way to Kásipati Shástri (entry numbered 60). I recollect perfectly that Shámanna sent me the 1,000 Rs. without the handkerchief, in a bag I think. I recollected before Major Gompertz that the 1,000 Rs. was left with me by Shámanna then (entry numbered 61), and therefore I stated so, and stated the same before Major Campbell also (passage numbered 62). The additional 1,000 Rs., of which I spoke before Major Campbell as being intended for the payment of pleaders, was the Rs. 1000 left with me. I recollect having dunned Kásipati Shástri once, but before Major Gompertz I may have said twice as my memory served me (entry numbered 63). I may have stated to Major Gompertz what I then recollected that Shámanna went to the Shástri and returned saying that he had made arrangements this was the same night (entry numbered 64). I have stated now that it was next morning at the tank bund as I recollected it so. Likewise I may have stated before Major Gompertz that I introduced Annaiya to Shámanna and that they were alone then, instead as I have deposed now (entry numbered 65). In my deposition before this Court I have stated that the money was paid the same morning as I had the conversation with Shámanna about the money asked by Kásipathi Shástri ; whereas in my statement before Major Gompertz I said it was the next day. I leave it to the Court to judge which of the statements is correct (passage in Police Proceedings No. 66). I admit that the statement made by me before Major Gompertz was read out to me and I admitted it to be correct. I was also warned by him that I was expected to say the truth, I did so. I never mixed myself up in or had similar transactions with the defendant, or Shámanna or Kásipati Shástri or with any one else. I don't even know the defendant. I never thought of complaining to the Magistrate. Originally there was no arrangement about the Rs. 1,000 given to me being for pleaders. On my asking him when he wanted money, what it was for, he said it was for pleaders which I told Major Campbell. I did not expect any remuneration from Annaiya If I have said so (entry numbered 67) before Major Gompertz it was incorrect.

The deposition of Krishnappa, son of Cháyappa, taken by me on solemn affirmation, this 14th day of June 1873.

X. The said Krishnappa saith :

I am an Inspector under the abkári contractor and live at Mysore. I know Kásipati Shástri by sight, but I have never spoken to him. I have never been to his house nor have I ever given him at any time any money. I know Shankarappa. I never spoke to him on any occasion about the refund of money by the defendant. I have nothing to do with Rámanna's private accounts. I never went with Sankarappa to Kásipatí's house with a bag of money. Rámanna never gave me any money to give to Kásipati Shástri. I never went with him to Kásipati Shástri's house. I know Ballápura Shámanna. I never met him at Káspati Shástri's house. He never spoke to me any where or at any time about a bribe having been given to the defendant.

The deposition of Annaiya, son of the late Lingé Gauda taken by me on solemn affirmation, this 16th day of June 1873.

XI. The said Annaiya saith :

I am a ryot residing at Buhalli in the Mallavalli Talook, and the son of Lingé Gauda who was committed by the defendant, Mr. Kishnaswámaiengar, to the Sessions Court and was sentenced to be hanged for murder. When my father was brought to Mysore I went to Bopgaudanapurada Ars at Bopgaudanapura in the Talakádu Talook, as my father was acquainted with him and I sought his assistance in the engagement of pleaders. He therefore sent Gururáya, his Gumáshta, with me to Mysore to introduce me to Shámanna and Súrappa. He gave me no letter of introduction. I put up in Nila Ars' Matha and Guru Rao took me the same day five or six days after my father's arrival at Mysore to Súrappa's house about the middle of the day. I told Súrappa that I had been sent to him by Bopgaudanapurada Ars in behalf of my father who had been accused of committing murder. He replied that Shámanna was a friend of his, and if we went there they would consult about it. Upon this Súrappa Guru Rao and I went to Shámanna's house in the fort. Then Súrappa related what I had told him to Shámanna. Shámanna then promised to go some where in the evening and that he would give an answer in the morning. I then returned to the Matha where I was putting up. Next morning I went to Súrappa's house and he told me that if I paid him Rs. 2,000 he would conduct the matter as one Kásipati Shástri had had an interview with Mr. Kishnaswámaiengar (the defendant), and would obtain my father's release. Guru Rao was there, and I think Shámanna also. Súrappa having asked us to get the 2,000 Rs. Guru Rao and I returned the same evening to Bopgaudanapura and represented my need to the Ars, who engaged to lend me the money. The day after Bopgaudanapurada Ars sent the money with Ráj Shetti, Gururáya and me to his brother Kánte Ars at Mysore with instructions that it should be given to me on my executing a bond. We went straight to Kánte Ars at Mysore, and as it was night he sent us with it to Tenkasále Ars' who kept it. I put up there. About 7 in the morning next day Gururáya, Súrappa and Shámanna took me to Chenapáji Ars' house where Kánte Ars was living and Súrappa then drew up a deed for the Rs. 2,000 lent to me. It was read out and I signed it. Shámanna, Súrappa and Guru Rao attested it. I can read and write. After that Kánte Ars took us all about 9 o'clock to Tankasále Ars' house. Ráj Shetti then brought a góni bag from inside and took out of each side a bag. It was placed before and Shámanna and Súrappa counted out the money, Rs. 2,000 in all, Rs. 50 nearly of which was in silver change, but no copper. Shámanna took some of the money in his handkerchief and Súrappa and Guru Rao took the remainder in bags in which it had been brought. I remained behind in Kánte Ars' house while they carried off the money. They told me not to frequent their houses ; therefore I remained at Tankasále Ars' house. Three days after I learnt that the case had been committed to the Sessions by the defendant. The same evening I went to Súrappa's house and complained to him of the case having been committed. Shámanna was not there, but Súrappa desired me to come in the morning and he would let me know. I went early next morning to the jail and had an interview with my father who advised me to engage a lawyer. I then went to Súrappa and asked him to return the money. He took me to Shámanna's house who promised to give it on the next day. Madár Sét and I then engaged the services of Mr. Rámaswámi Iyer, the pleader, for Rs. 500, promising to bring the money. I then went back to Surapa's house and demanded the money. Súrappa paid me back in three instalments Rs. 1500, and on my asking for the balance Rs. 500, he told me that Mr. Kishnaswamaiengar would not return the 500 Rs. and told me to go away as already they had made good something out of the Rs. 1,500. Shámanna was there too and corroborated the statement : but I never saw Kásipati Shástri nor did I go to his house. I paid the 500 Rs. to Mr. Rámaswámi Iyer and Rs. 500 also to Mr. Dee, Pleader, who defended my father in the Sessions Court. I employed Mr. Rághavéndra Rao in the appeal case to the Judicial Commissioner and gave him Rs. 2,500 in cash and Rs. 500 for travelling expenses. Mr. Sullivan, the Madras Barrister, was engaged for Rs. 6,000, which was paid by Mr. Rághavéndra Rao. In addition to the ready money, I gave Mr. Rághavéndra Rao two bonds for Rs. 5,500, and pledged bonds of the value of Rs 4,000 or Rs.

5,000 on which however, no money has been paid. Mr. Rághavéndra Rao's fee was Rs. 1,500 independent of travelling expenses. Mr. Hayes, Barrister at law at Mysore, was engaged by me for Rs. 5,000 to appeal to Calcutta. Rs. 2,200 have been paid by me to him; Rs. 200 of which was for the telegram. I borrowed money from Nanjé Gauda and Náranappa in Alhalli in the Kánakánahalli Talook. They are relations of mine. Shámanna and Súrappa never spoke to me further in the matter of the bribe given to the defendant, nor did Kánte Ars or Bopgaudanapurada Ars do so either. I don't know the defendant as I did not see him in my village or in the Courts, and have never been at his house. My father Lingé Gauda when he was being hung at Galípura Doddi in the Mallavalli Talook handed in my presence to Captain Shaw a petition (filed and marked E.) and it was consequent upon it that I was sent for to Mysore and gave in a statement to Colonel McHutchin (statement then taken marked F)

Cross examined.

I was unable to obey the summons in this case as I had gone to Muttatti in the Mallavalli Talook. I cannot recollect if any one was present when the Rs. 1,500 was returned by Súrappa and Shámanna in their houses. I cannot say what sum was paid by each of them, but the accounts were made up in Súrappa's house about twenty days after the execution of the bond. About Rs. 500 were paid then in Shámanna's house. As Rs. 500 had not been repaid but its re-payment was promised after, they got me to execute a bond for Rs. 2,000 as due to Bopgaudanapurada Ars. I was in need of money, therefore I gave this bond. The first bond for Rs. 2,000 remained with Bopgaudanapurada Ars and has not been returned yet: but in the second bond it is entered that I have taken back the first bond. I repose complete confidence in Bopgaudanapurada Ars. I got Rs. 300 and odd from Súrappa to pay Mr. Rámaswámi Iyer and I made up the balance myself, as Súrappa told me the money was not forthcoming. Once I paid Mr. Dee Rs. 400 which Súrappa gave me and Rs. 100 which I had myself: this was about five days after. Súrappa when paying me Rs. 500 and odd for Rámaswámi Iyer told me I would not get more, but he would write to Bopgaudanapurada Ars: I had however to go to him myself get Guru Rao and dun Shámanna and Súrappa. Guru Rao having instructions to get a document from them in the name of Bopgaudanapurada Ars for Rs. 2,000 if the money was not paid to me. Shámanna took also a receipt from me at the settlement of accounts admitting that I received from Shámanna or Súrappa Rs. 2,000. They said they would not pay the last Rs. 500 unless I gave them a receipt in full for Rs. 2,000. I have borrowed only Rs. 2,000; but executed a bond for Rs. 2,000 then besides on stamped paper for the reason above given. Súrappa and Shámanna when I first requested them to retain lawyers they said "never mind, we shall win the case for you": and next day they asked me for the money to be paid through Kásipati Shástri; they said Rs. 2,000 was needed, but did not specify how much was to be given to Kásipati Shástri for the defendant. Nothing was arranged about the remuneration of these parties. I never originally asked them to bribe the defendant. Venkanna and Madár Sáib had previously obtained from me at Mallavalli jewellery valued at Rs. 1,500, to give as a bribe to Mr. Krishnaswámaiengar. I have mentioned his name by mistake now as they obtained it for the talook authorities. They told me they had paid money to the Amildar, Munshi and the Sheristadar with Mr. Krishnaswámaiengar. I never intended the jewels for the defendant: but when they returned 500 Rs. worth of jewels after the committal of my father to the Sessions Court, they then mentioned his name; but did not say what amount they had given to him. They did not promise to get Mr. Krishnaswámaiengar to release my father, nor did I depose to that effect before Colonel McHutchin, or that they said they had given 1,000 Rs. worth of jewels to Mr. Krishnaswámaiengar (entries in F, numbered 68 and 69). I cannot account for my omitting to mention Kásipati Shástri's name to Colonel McHutchin. Shámanna and Súrappa did not tell me how much had been given to the defendant or how much he had returned. I don't recollect even having asked them. As Shámanna and Súrappa engaged to conduct the matter no pleaders were engaged during the preliminary inquiry before the defendant. I don't recollect ever having executed any deed for Rs. 3,000 to Bopgaudanapurada Ars. I gave all the 2,000 Rs. to Súrappa and Shámanna at Tenkasále Ars' I never told them to keep Rs. 1,000 or Rs. 900 for me to be spent as I might need it. Kánte Ars never gave any such direction in my presence. I did not go to Súrappa or Shámanna in the evening of the day. I paid Rs. 2,000 to them. I did not hear Shámanna and Súrappa arrange to make good Rs. 500 between them. They did not mention the sum they had made good.

Re-examined, 18th June 1873, on his former affirmation.

The bond now shewn to me (filed and marked K, produced by the Court) is the second bond bearing date, 22nd July 1872, for Rs. 2,000, which I executed at Súrappa's house. From there being reference made in it to a former bond dated the 12th June 1872, I conclude that the first bond was for Rs. 3,000 as therein stated, though I got only Rs. 2,000 then. The other Rs. 1,000 was left with Kánte Ars. He did not give it to me nor did I ask for it. As the case had been spoilt, *viz*, given against my father, I had suspicion that the money had not been paid to Mr. Krishnaswámaiengar; and therefore I asked Súrappa for its return. I did not charge him and Shámanna however with not paying it. The money

was entrusted to them. They left Kánte Ars' house with the money at 8 or 9 in the morning, but did not say where they were going with it. They said they would pay it through Kásipati Shástri to the defendant. I admit having executed the receipt (put into Court and marked L), bearing date 22nd July 1872, for Rs. 2,000, which had been paid to me by five instalments as therein stated. As they dictated it to me I made no allusion in it to the Rs. 500 which I had remitted and which they promised to give me when received from the defendant. They told me it was in his hands: but I did not believe them. I had complained to Bopagaudanapurada Ars about its non-return before.

Cross examined.

They told me that the defendant had paid all the money but Rs. 500, when K and L were executed. They told me at the same time they had made good some money, but did not mention how much. I never thought of asking the defendant for the money. I looked upon Súrappa as responsible: therefore I never complained to Bopagaudanapurada Ars about the defendant or to the Police.

The deposition of Rámanna son of Basavaiya, taken by me on solemn affirmation, this 16th day of June 1873.

XII. The said Rámanna saith.

I am a merchant residing in Mysore, and am a partner of Dodda Mallanna who is a partner with Captain Taylor in the abkari contract. We have large dealings and trade together. I have never had pecuniary dealings with Mr. Krishnaswámaiengar. He has never banked with us. Referring to the ledger I find that the only transaction he has had with the firm is the supply of certain quantities of jaggery, oil-seed, ghee, Bengal-gram and areca-nut of the total value of Rs. 52—7—5 between the 27th June 1872 and the 30th July 1872, *vide* entry marked A; but the money has not yet been paid as no demand was made so far as I know. It may be the fault of those at Mysore who have charge of the duty. Referring to my day book I find that no sum of Rs. 900 was disbursed on the 18th, 19th and 20th December 1872 (*vide* accounts marked C). The defendant never gave me any money at any time, nor did he ever request me to pay any money for him to any one. I have never been to Kásipati Shástri's house. I don't even know him, nor have I ever spoken to him. I never went to him at night with Abkári Sheristadar Shankarappa. I never gave him and Krishnappa any money to be given to Kásipati Shástri, nor told them to take any money to him.

Cross examined.

I never said to Kásipati Shástri that Mr. Krishnaswámaiengar was sorry for having done a bad thing, and that I would send him Rs. 900 tomorrow to be repaid to Shámanna so as to prevent the matter being published. Kásipati Shástri never said to me if you had sent the money two or three days before I could have settled the matter, but even now if the money is sent I shall settle the matter. I don't know Ballápura Shámanna, I never spoke to him and have never been at his house, nor met him at Kásipati Shástri's house. I don't know Atchappa Shástri or any of his disciples. I never met them at Kásipati Shástri's house. I have a large distillery in Coorg. Shámanna never told me to return the money by the same channel through which it had been paid.

The deposition of Atchappa Shástri, son of Ráma Shástri, taken by me on solemn affirmation, this 16th day of June 1873.

XIII. The said Atchappa Shástri saith:

I am a Vaidik Brahman and Sanskrit teacher. I know the witness Kásipati Shástri. I am blind in both eyes. I have heard Abkári Sheristadar Shankarappa speak one night about five or six months ago, I was seated in Kásipati Shástri's house when a man came and sat down by me and I asked who he was. He replied Shankarappa, a relative of Múgúr Nanjundiya and that he had come here with Sáhukár Rámanna, the abkári contractor, and that he (Shankarappa) lived at Srírámpéte. There our conversation ended. I did not hear Shankarappa speak to Kásipati Shástri nor Kásipati Shástri speak to any one else. I did not notice any one else being in the room or near me.

Cross examined.

I have never heard Shankarappa speak before that or ever after that. I could not now recognize him by his voice. I did not ask the nature of the business on which the Sáhukár Rámanna had come. My disciple Narahari was with me, but he is since dead. I did not hear Rámanna's voice.

Proceedings of the Chief Commissioner of Mysore, Judicial Department, **15*th August* 1873.**

The deposition of Kálinga Setti, son of Cheluva Shetti, taken by me on solemn affirmation, this 16th day of June 1873.

XIV. The said Kálinga Setti saith:

I am a broker residing in Mysore. I know Kásipati Shástri, also Abkári Shankarappa and Krishnappa. I have never met the two latter at the former's house. Hosúru Rámasetti, Chennabasappa and Bemkar Chennabasavappa are in the habit of going with me to Kásipati Shástri's house on business. I never heard Shankarappa say "it is getting late, we must be off." I never once met him at Kásipati Shastri's house. I never came down-stairs with him, Kásipati Shástri and Krishnappa in Kásipati Shástri's house.

Cross examined.

I have had a conversation about the defendant with Kásipati Shástri after the inquiry before Major Campbell. He said he was returning from being examined and had got entangled in this unfortunate business.

The deposition of Krishnasámi Modaliar, son of Sabhápati Modaliar, taken by me on solemn affirmation, this 16th day of June 1873.

XV. The said Krishnasámi Modaliar saith:

I am the Sheristadar of the 1st Class Assistant Commissioner's Court of which the defendant Mr. Krishnaswámaiengar had charge. I produce the Court-diary, which is in my own handwriting and was signed daily by the defendant. On turning to the entry made in page 82, I find that it is recorded on the 1st June 1872 that the Magistrate returned from the Mallavalli Talook. That is the date he entered the Court after his return. I cannot say the date he came into Mysore. He told me he had come straight to office on his return (entry in diary marked G). Referring to page 84 of the diary I find that the defendant closed the preliminary inquiry in Lingé Gaudá's case on the 12th June 1872, and sent the prisoners to the Mysore Jail with a warrant (entry marked H). This is eleven days after the defendant's return from Mallavalli.

Cross examined by defendant's counsel.

The inquiry into preliminary case No. 6 of 1872, I find from referring to the entries in the diary commenced on the 3rd of June 1872, the Court being opened that day at 1 P. M., and was closed at 5 P. M. The inquiry was resumed on the 4th, the Court being opened at 12 A. M., and was closed at 6 P. M. It was continued on the 5th, the Court having been opened at 7 A. M. and closed at 12 A. M. On the 6th, it was proceeded, the Court having sat at 11 A. M. and was closed at 6 P. M. On the 7th, it was gone on with the Court sitting at 7 A. M and rising at 2 P M. Nothing was done on the 8th and 9th June 1872; but the case was taken up again on the 10th June at 12 A. M., and the Court was closed at 5 P. M. On the 11th June, the prisoners were examined, the Court opening at ½ past 7 A. M. and closing at 3 P. M. As already stated, the case was completed on the 12th June, the Court sat at 9 A. M., and rose at 2 P. M. I was present on each occasion, except the 4th June, when the Court was opened and when it was closed and the entries were made by myself at the time, and are all correct. Mr. Krishnaswámaiengar was in Court all the time the Court held on those dates.

The deposition of Venkata Setti, taken by me on solemn affirmation, this 16th day of June 1873.

VI. The said Venkata Setti saith:

I am the son of Venkatasubba Setti, and live in Mysore. I own a garden, and am a merchant. I know the witness Kásipati Shástri, and go to his house to borrow money. I don't know Abkári Sheristadar Shankarappa and Krishnappa. I never met them in Kásipati Shástri's house. I never heard either of them say to Kásipati Shástri that they had brought the money. I know Ballápura Shámanna. One evening, as it was getting dark, Kásipati Shástri sent me to call Shámanna. Two men, whose names I cannot give and whom I cannot identify, had come to Kásipati Shástri and were speaking with him inside. He came out to the door of the room where I was and asked me to call Shámanna not mentioning what he was wanted for. I went and called Shámanna who came on my telling him he was wanted by the Shástri. After bringing Shámanna there I said I had business and went away. I did not notice any one else there. The two persons came up to the house after I did, and when Kásipati Shástri came from a side room the three went on to the terrace. I did not see them carrying anything. I did not speak to them, or they to me. On coming up-stairs the two persons called out to Kásipati Shástri. "He replied, who are you," they said "come," on which Kásipati Shástri came out and talked with them apart on the terrace. They did not give their names. I have never seen them since, nor did I see them ever before. (Here the witness Krishnappa is produced in Court, and the

witness is asked if he was one of the parties). No. I cannot identify him (Krishnappa) as one of the two persons whom I saw that evening It was dark, and the lamps had not been lit. I do not recollect seeing Kálinga Setti or any other Setti there. It is a long time ago, five or six months since. Kásipati Shástri never mentioned to me on what business these persons came or spoken to me about this case.

The deposition of Dodda taken by me on solemn affirmation, this 17th day of June 1873.

XVII. The said Dodda saith :

I am the son of Cheluvaiya and am a peon belonging to 1st Assistant Commissioner's Court of which the defendant Mr. Krishnaswámaiengar had charge. I attended at the defendant's house keeping guard at the door. I recollect that on the day Buhalli Lingé Gauda was committed to the Sessions by the defendant, the defendant went to his office at half past ten in his coach. I never saw Kásipati Shástri and his servant Guruva enter the house that day. I don't even know them. No outsider came into the house that day. When any one came I always let the defendant know and then admitted him. (Kásipati Shástri is here called into Court and confronted with the witness) I don't know him (Kásipati Shástri). I have never seen him before. (Guruva is called into Court and confronted with the witness). I don't know him. I have never seen him before. He never came to the defendant's house.

Cross examined.

I was present at the marriage of the defendant's house, which took place about Dipávali feast in the beginning of November last. There was a chapra (shed) built in front of the house on the occasion. Gangádhara Pandit superintended the work. It was never there before. I never saw Kásipati Shástri come to the marriage.

The deposition of Ninga, son of Bóré Gauda, taken by me on solemn affirmation, this 17th day of June 1873.

XVIII. The said Ninga saith :

I am a peon employed in the 1st Assistant Commissioner's Court, of which the defendant had formerly charge. I know Kásipati Shástri and his servant Guruva since they used to come to Mr. Sómasundra Rao's house, when that Officer had charge of the Court. When Mr. Krishnaswámaiengar had charge of the Court, my duty was to watch at his house. One peon was stationed up-stairs and one below at the door. I never saw Kásipati Shástri or his servant Guruva come to my master's house. If any non-resident in the house wished to enter, we, peons, let the defendant first know, and then admitted him. I recollect the day when Buhalli Lingé Gauda was committed by the defendant to the Sessions. Kásipati Shástri and his servant Guruva did not come that morning to the defendant's house. He (the defendant) went to office that morning about 6 as he usually did, while the case was under inquiry. I went with him behind the carriage ; was present in Court, and returned at 3 P. M.

Cross examined.

I was present at the marriage of Mr. Krishnaswámaiengar's son in the end of October or the beginning of November last. A shed was built in front of the house. I saw it being built. There was no shed there ever before. I did not see Kásipati Shástri at the marriage, nor any gifts given to the bride, or to the dancing girls. I cannot state how long after day-light, the defendant went to the cutcherry. I know Ballápura Shámanna. From my knowledge I do not believe him to be worthy of credit. I say so, because when our Court had civil powers he was always hanging about giving evidence as a witness, and keeping bad company. I have never spoken to, or communicated with, defendant, or any one about this case.

The deposition of Venkatramana, son of Lingaiya, taken by me on solemn affirmation, this 17th day of June 1873.

XIX. The said Venkatramana saith :

I am a peon attached to the 1st Assistant Commissioner's Court, of which Mr Krishnaswámaiengar had formerly charge : and was employed by him as a house attendant. I was stationed at the entrance of the house. It was usual when any one, not a resident of the house, came to the door, that we should et the defendant know, and then he was admitted. I don't know Kásipati Shástri, or his servant Guruva.

I recollect the fact of the late Lingé Gauda being tried in our Court, but I cannot recollect any particular day. I did not see any persons come with money to the defendant's house at that time. He used to go to the office then at 10, and returned at 6; but I stayed behind in charge of the house. (Kásipati Shástri and Guruva are here confronted with the witness). I can state positively I don't know them. They never came to the defendant's house.

Cross examined.

I was present at the defendant's son's marriage (Srimanta prasta). It was about the Dipávali feast in the beginning of November last. A pandal or shed was then erected in front of the house. It was never there before and was built for the occasion. Gangádhar Pandit superintended its construction. Kásipati Shástri never came to the marriage. I saw the gifts made to the bride. None was given by Kásipati Shástri. My master paid the dancing girls. No money was given to them by Kásipati Shástri. I did not even see him there and never seen him before now.

The deposition of Sidda, son of Bóra, taken by me on solemn affirmation, this 17th day of June 1873.

XX. The said Sidda saith:

I am a peon attached to the 1st Assistant Commissioner's Court of which the defendant Mr. Krishnaswámaiengar had formerly charge. I was employed by him as a watchman in his house and was stationed at the door. When any outsider came there we let the defendant know. I don't know Kásipati Shástri and do not recognize him when pointed out to me in Court, nor do I know Guruva who is also pointed out to me. I recollect the time when the late Lingé Gauda was tried for murder. I did not see any persons bring money to the defendant's house then, or at any time. The defendant, Mr. Krishnaswámaiengar, was then in the habit of going to office at 11 o'clock.

Cross examined.

I was present at the marriage ceremony of the defendant's son, which took place about the Dipávali feast in the beginning of November. A pandal was erected on the occasion. There was never any pandal or shed there before. Kásipati Shástri did not come to the marriage. I did not see him then.

The deposition of Marriyappa, son of Appaiya, taken by me on solemn affirmation, this 17th day of June 1873.

XXI. The said Marriyappa saith:

I am the Shánbhóg of Bidagal Madogal in the Heggadadévanakóte Talook. I know the witness Kásipati Shastri who is the inámdar of that village. I know Abkári Sheristadar Shankarappa and Abkári Krishnappa. About 8 in the evening of a Sunday, five or six month ago, I went to Kásipati Shástri's house to take leave. Subbaiya and Nágappa accompanied me. When I came there I found Kásipati Shástri Shankarappa, Krishnappa, Lakshmi Náráyana Shástri and Shámanna seated in the reception hall. Subbaiya inquired from Shámanna what money it was that he had before him. He replied that the money that had been given before had been returned; then Shankarappa and Krishnappa left. Kásipati Shástri, asked Shámanna to give him a written acknowledgment that the matter had been settled on which I wrote a chit for Shámanna, but it was not signed by Shámanna (chit here put in the Court marked J, produced by Kásipati Shástri) this is the same. Nágappa and Subbaiya then left the house with me. They had come to speak in my behalf to the Shástri who gave me leave.

Cross examined.

The money was tied up in a handkerchief in front of Shámanna. Shankarappa and Krishnappa were sitting quiet when we entered. They made no remark and went away without making any remark. No one spoke to them in my presence. Subbaiya came with me from the house of Venkatappa and Nágappa was there. I went there as my brother is in the service of the Ars, and Subbaiya and Nágappa are also his servants. They were there before probably on business. Venkappa Ars asked me to accompany him next morning to Nanjanagúdu. Kásipati Shástri kept the note I made of the transaction. Krishnappa and Sankarappa remained a quarter of an hour after our arrival. No one spoke save Subbaiya on entering to Shámanna. I knew Shankarappa and Krishnappa before. The chit was written about half an hour after they had left. No other conversation.

took place during that period. I wrote to Shámanna's dictation that the money formerly given to Mr. Krishnaswámaiengar (the defendant) had been returned. I don't know on what account it was given or returned. I never asked nor did Subbaiya. I went by myself to Venkatappa's, nephew of Krishna Ráj Ars' house at ½ past 7 in the evening. I had not seen Shankarappa and Krishnappa for ten years previous. I met the former then at Tótekhána Nanjappa's house in Mysore. Shámanna was leaving about the time we left. Lakshminárayana Shástri remained behind with Kásípati Shástri. I don't recollect when exactly the leave to Nanjanagúdu was given to me by Kásípati Shástri before the chit was written or after; I cannot recollect any circumstances that transpired or visits paid by me to any one within two months before or after the above transaction, or after I gave my depositon before Major Campbell. My pay independent of perquisites in kind is 8 fanams monthly. The date given in the memo marked J, the 22nd December 1872, is the date on which I met Shankarappa and Krishnappa at Kásípati Shástri's house. I did not see any money with Kásípati Shástri nor did he make any mention about having received himself any money. Shámanna did not shew me the money. I saw only the bundle.

The deposition of Gangádhara Pandit taken by me on solemn affirmation, this 17th day of June 1873.

XXII. The said Gangádhara Pandit saith:

I am the son of Déshàyi Vírappa, and live in Mysore. I was present at the marriage of the defendant's son at Mysore in the month of Kártika last (November 1872). As requested by the defendant I got a pandal constructed in the front of the house. I supervised the work and paid the coolis from money provided by the defendant. I am a doctor and treat the defendant's children. I was present when some of the marriage gifts were made. I did not see Kásípati Shástri at the marriage. I saw the dancing girls paid by the defendant. I did not see Kásípati Shástri give them any thing.

The deposition of Venkat Rao, son of Gundappa, taken by me on solemn affirmation, this 18th day of June 1873.

XXIII. The said Venkat Rao saith:

I have no employment, and live at Seringapatam. I was privately in the service of Diván Venkaté Ars. I know Kásípati Shástri. I don't know Abkári Sheristadar Shankarappa and Krishnappa, nor do I know Venkat Setti, the son of Venkatsubba Setti. I have seen Kálinga Setti and know him by sight. I have never seen him at Kásípati Shástri's house. I knew the late Lakshmínárayana Shástri, Kásípati Shástri's brother-in-law. I visit the latter occasionally, and have seen Lakshmínáráyana Shástri there. I was at Kasípatti Shástri's house about five months ago in December, but did not notice any persons bringing in bags of rupees. I know Balláipura Shámanna, but I did not meet him at Kásipati Shástri's house about five months ago. I recollect however, about or at 4 or 5 P. M one evening about five months ago, a man, whom I don't know and whom I could not now identify, came up-stairs where I was seated with Kásípati Shástri on a cot. Kásípati Shástri asked him what he wanted. He said he wished to speak to him. Thinking that he was diffident from my being present I left the house. I saw no one else with him. He did not carry anything with him: he came empty handed. Kásípati Shástri asked him his name. He gave his name, but I don't recollect it. It had not the prefix abkári, nor was it Krishnappa, Shankarappa or Rámanna. He was a man of middle height, but not a Sri Vaishnava Brahman: perhaps he was Vaishnava or Smárta but to which sect he belonged I cannot now recollect. No one else was present when the man spoke to Kásípati Shástri or came when I was leaving.

The deposition of Hebbálada Subbaiya, son of Nanjappa, taken by me on solemn affirmation, this 18th day of June 1873.

XXIV. The said Hebbálada Subbaiya saith:

I am employed as a Mutsaddi by Krishnarájaiya, and live in Mysore. I know the witness Kásípati Shástri and frequent his house. I know also the witness Shánbhóg Mariyappa. My master wished to go to Nanjanagúdu for worship about five or six months ago on a Sunday; the date I cannot give, and asked Mariyappa to accompany him. He replied that Kásípati Shástri's permission was necessary: therefore my master desired to go with him and ask for leave. One Nágappa who was there and who was putting up at my house went with us. On entering the central room down-stairs (totti) I saw Kásípati Shástri, Shámanna, Krishnappa, Shankarappa and Lakshmínáráyana Shástri seated there talking. I did not hear what they were saying or if I heard I do not recollect about it. Shámanna had a bundle in a handkerchief in front of him. On my asking him where he had got it from, he said the money which had been given formerly to Mr. Krishnaswámaiengar has been returned through Krishnappa and Shankarappa

The two latter made no remark. I observed that "I was very glad." I was glad, because Shámanna had got the money. I am not a friend of his, only an acquaintance. We all sat quiet for half an hour: then Shankarappa and Krishnappa left saying they would go home. After they had gone, Kásípati Shástri turning to Shámanna said "your business has been settled; give me a memo." Shámanna then dictated about the money to Mariyappa who wrote a memo, the same as now shewn to me in Court marked J, and it was given by Mariyappa to Shámanna who handed it to Kásípati Shástri. It was then about 9; therefore Shánbhóg Mariyappa, Nágappa and I left. Shamanna left at the same time, Guruva, Kásípati Shástri's servant, carrying the money in the handkerchief for him. The memo was not signed by any one.

Cross examined by defendant's counsel.

Nágappa and I went to Venkatráj's house about half past 3 or 4 P. M., and Mariyappa came there about 5 P. M. I have heard read out to me what I stated before Major Campbell that I was that day in the house of Gópál Krishnaráj Ars and Mariyappa and Nágappa came there, that statement is correct. My memory may have failed me since giving it. (passage in Major Campbell's proceedings numbered 71.) I never saw any assemblage at Shámanna's house, but I saw a number of people about two or three months previous to the above transaction in front of Kásípati Shástri's house. No other remark was made when the memo J was written. I was not taken upstairs then. At the above mentioned assembly of people I heard Kásípati Shástri and Shámanna wrangling about the money in the totti (reception room) of the former's house. I left the house on the second occasion as Guruva took up the money. I did not see how much there was in the bundle. I did not see it weighed or counted, only heard what Shámanna said. I did not see any empty bags with Shankarappa or Krishnappa; they did not ask for any receipt nor was any given to them. I am no relation of Kásípati Shástri. I get Rs. 10 as pay. Shámanna was not asked to sign the memo J. It was about ½ past 7 when we went to Kásípati Shástri's house. Kásípati Shástri was asked by Mariyappa and I for permission for Mariyappa to go to Nanjanagúdu and he granted me; but I cannot say when exactly this conversation took place, whether before the chit was written or after.

The deposition of Miya Sáhib, son of Rájá Khán, taken by me on solemn affirmation, this 18th day of June 1873.

XXV. The said Miya Sáhib saith:

I am coachman and groom to the defendant, Mr. Krishnaswámaiengar. The horse is picketted in the verandah in front of the house and I stay in a small room by the side of the horse. I recollect the defendant holding the preliminary inquiry in the case of Buhalli Lingé Gauda; but do not recollect the exact day the inquiry was closed. During the trial the defendant was in the habit of driving to the Cutcherry at 6 or 7 in the morning This was for about six or seven days. There were always two or three peons in the verandah at the door of the defendant's house. When any person non-resident in the house came to visit Mr. Krishnaswámaiengar they informed him of it and then he was admitted. There is also one peon stationed up-stairs. I have seen Kásípati Shástri and Guruva coming to this Court, but I never saw them before. I never saw any one bringing any money to the defendant's house during the trial. As I stop there and eat my morning meal there I must have seen them if they had come to the house. I never saw Kásípati Shástri come to the defendant's house the second day or the third morning after the defendant's return from Mallavalli. I recollect the defendant's return to Mysore as I drove him in from Kenchégarna Katte.

Cross examined.

I drove the defendant from Kenchégarana Katte straight to Colonel McHutchin's office at 10 or 11 in the morning. After that he went home and then to cutcherry. I have been one and a half year or twenty one months in the defendant's service. The shed in front of the house was erected on the occasion of his son's marriage at the Dipávali feast. There was none there before. I saw it being put up by Gangádhara Pandit.

The deposition of Ranga, son of Timma, taken by me on solemn affirmation, this 18th day of June 1873.

XXVI. The said Ranga saith:

I am the Daffédar in charge of the District Lock-up. I escorted the late Lingé Gauda and other prisoners concerned in the Mallavalli murder case from the Lock-up to the defendant's Court each day during the preliminary inquiry. I don't know when Mr. Krishnaswámaiengar (the defendant) went to

Court the day on which the prisoners were committed to the Sessions, but I recollect taking the prisoners from the Lock-up to his Court at 9 A. M., and he was there then. The case was disposed of at 3 or ½ past 3 when the warrant of commitment was given to me. I took the prisoners with it to the Názar and about 4 escorted the prisoners to the jail. I have had charge of the Lock-up for the last two years and recollect the circumstance and hour perfectly.

The deposition of Rangáchárlu taken by me on solemn affirmation, this 19th day of June 1873.

XXVII. The said Rangáchárlu saith:

I am the Controller of the Palace in Mysore. I am acquainted with Ballápura Shámanna. He rented a village from the Palace Department. About two or three months previous to Major Gompertz's inquiry into this case, I sent for him to my house to inquire about the delay in the payment of the rent He gave as his reason that he had got into difficulties in connection with Lingé Gauda's murder case, that he had lost some money, and that he was prevented from going to his village as he was trying to get it back. When Major Gompertz came to Mysore he asked my assistance in getting before him Shámanna, Kásípati Shástri and Tenkasále Ars without allowing them to be talked to by others. I told him of my previous interview with Shámanna. I sent for Shámanna and Súrappa and desired them not to leave the place pending the inquiry. The day of the inquiry (18th December 1872) they were brought first to my office and then sent on to Major Gompertz, who held the inquiry in Mr. Gordon's house. Kásípati Shástri was sent for in a Palace bullock coach as his attendance was needed on palace business, but on the way the coachman received instructions to take him straight to Major Gompertz Guruva was then sent for as if he was required by Kásípati Shástri and sent on from the office to Major Gompertz. I was not present at the inquiry, nor took any part in it. About 11 o'clock A M. two, three, or four days after (I cannot speak with certainty as to the exact day), Shámanna came to my house. Previously, one or two days before he sent me word through one of the Palace Gumáshtás that a promise had been made to return the money lost and that it was his wish that some of the public servants should be present. I declined to have anything to say to it: but on the day mentioned before when he came to me as I was going to office, he said that he had received the money Rs. 500, and that he wished me to take the money to Mr. Gordon. I declined to do so telling him that Major Gompertz had closed the inquiry; and advised him to return it to the owner. I reported this to Mr. Gordon. I never advised Shámanna to take the money back.

Cross examined by defendant's counsel.

Shámanna never came to me in person till after he told me he had received the money back. I have known Kásípati Shástri for the last two years and Shámanna since the last year. I recollect having spoken to Kásípati Shástri immediately after Shámanna's first visit. I don't remember if Shámanna was present or not. I did not send for either of them after Major Gompertz's inquiry, nor did I see Kásípati Shástri at any time after the first visit. I never saw Shámanna subsequent to the last visit as above recorded. Major Gompertz spoke to me two or three times about this case; but I don't remember what I said. The case was much talked of. I cannot state the day Major Gompertz left Mysore, or if it were before Shámanna sent me word about the promised return of the money. I don't recollect having any other interview with Shámanna than those related. I had an interview with Súrappa on the day after or so. I told Shámanna to be in readiness. He mentioned his name, therefore I sent for him and ascertained from him what he knew of the case, and warned him to wait for the inquiry. I told all I knew and heard to Major Gompertz. I had no other interview with Súrappa. It was at night. I did not think of advising Shámanna to communicate with a Magistrate about the return of the money, as he told it had been returned in the presence of witnesses.

The deposition of Víraráj Ars, *alias* Bopgaudanapurada Ars, taken by me on solemn affirmation this 20th day of June 1873.

XXVIII. The said Víraráj Ars saith:

I am the Guru of the followers of Mantéswámi in the Talakádu Talook. I know Annaiya and his late father Lingé Gauda. Upwards of a year ago, Annaiya came to me, and asked me to lend him money without mentioning any thing about his father's case. I put him off for ten or twelve days, but from his pressing me, and because he was a disciple of mine, I lent him Rs. 2,000 in my village, some in rupees and some in silver change in white bags. (I cannot say how many), and Annaiya took it away himself. As he said he was a stranger to Mysore and needed assistance, I sent word by my Gumáshta Gururáya to Betta Súrappa to render him assistance; but did not specify the nature of the assistance or allude to the case. Annaiya did not speak to me about the case. He said only that he had business for which he wanted the money. I did not take a bond from him when I paid the Rs. 2,000; but Súrappa sent me

the bond marked K, and the receipt L, with the letter (put into Court and marked M). I lent Annaiya Rs. 2,000 only, and know nothing about the Rs. 3,000 referred to in the bond K. The bond is executed in the name of my brother Kánte Ars as I requested. I am adopted into another family. I know nothing with respect to the receipt (marked L). I received also from Annaiya a letter (marked N), acknowledging the receipt of the money about two months after the money had been paid, when I demanded a document. Annaiya about a month before bond K had been executed, came to me and complained that Súrappa, with whom he had deposited the money I had given him, would not restore it. I therefore sent Gururáya with Annaiya with instructions to Súrappa to pay the Rs. 2,000 back to him (Annaiya) and to obtain a document in the name of my brother to be forwarded to me. Súrappa sent word to me by Gururáya that he had a Rs. 1,000 by him, and that a Rs. 1,000 had been spent (he did not specify how), which could not be recovered for Annaiya. I then sent back Gururáya to inform Súrappa that Annaiya was in great straits for money, and that Súrappa must make it good: upon this the bond K, and the receipt L, were sent to me with letters M and N. After that about five months I received from Súrappa the letter (put into Court and marked O), dated the 24th December 1872, on which I sent word to Annaiya. No mention of the defendant was made to me by Súrappa, Annaiya, Kánte Ars or Gururáya: nor was I aware that the money I had lent was intended for a bribe.

Cross examined by defendant's counsel.

I never desired Annaiya when I lent him the Rs. 2,000, to deposit the money with Súrappa. The Rs. 2,000 referred to in the bond K, is the amount I lent Annaiya in my village Bopgaudanapura, for which I did not take a document at the time, though I sent my Gumáshta with the money and Annaiya to my brother Kánte Ars at Mysore, and arranged that the bond should be made out in my brother's name. No bond for Rs. 3,000 was ever sent to me.

The deposition of Shék Ibráhim, son of Gulám Husén, taken by me on solemn affirmation, this 28th day of June 1873.

XXIX. The said Shék Ibráhim saith:

I am the District Surveyor. By order of the Court, I went to the defendant's house in Sivarámpéte of Mysore, and prepared a plan shewing the entrance and part of the upper and lower stories including the Divánkhána and the stair-case: also the position of the shed in front and of Ganésagiri's house, the bridge, &c.. further a cross section of the thatched pandal, outer-verandah and inner-verandah (plan put into Court, filed and marked P). The plan was prepared on the 19th June. (The Court having inspected the building in person countersigns the plan in verification of its genuineness). I took all the measurements myself. The house has the appearance of a Chatram, and there is a school in front still under construction.

The deposition of Gururáya, son of Venkatappa, taken by me on solemn affirmation, this 28th day of June 1873.

XXX. The said Gururáya saith:

I am the Gumáshta of Vírája Ars, *alias* Bopgaudanapurada Ars. I know the witness Annaiya. He came to my master upwards of a year ago; and my master two or three days after his arrival called me and without my counting the money gave me charge of Rs. 2,000 in a gunny bag and desired me to go with Annaiya to Mysore to Kánte Ars who should pay the money to Annaiya and obtain a deed and receipt, also a letter. He also sent word by me that Kánte Ars should get Súrappa to render any assistance that might be needed in the matter which Annaiya would represent. I went accordingly with him to Mysore where we arrived at Kánte Ars' house in the evening, and on my informing him of my errand he directed me to take the money to his son-in-law Chikka Vírappáji. I did so, and stayed there. Two or three days after at 8 or 9 in the morning Kánte Ars Súrappa Shámanna and Annaiya came to Tankasále Ars *alias* Chikka Vírappáji's house. At Kánte Ars' request Tankasále Ars produced the money in the gunny bag. It was poured out, and Annaiya was asked to count it Súrappa, Annaiya and I did so. There was some copper and silver pieces among it. It mounted up to Rs. 2,000 as then admitted by Súrappa. Annaiya remarked Rs. 1,100 will be spent immediately (or what he did not say) and asked with whom he was to deposit the balance as he was a stranger in Mysore. Kánte Ars then desired Súrappa to keep the money and to pay it to Annaiya as he might need it; on that Súrappa gathered all the money, put a portion of it into the gunny bag and some of it in his handkerchief and got the Ars' servant Ráchaiy, to carry the money in the gunny bag. Súrappa, Annaiya and Ráchaiya then left. Shámanna afterwards left and Kánté Ars left long after. Kánté Ars said that a document had been executed by

Annaiya and told me to inform my master of it as well as of the delivery of the money. I then returned to my village and delivered the message. About fifteen or twenty days after Annaiya came to the village and in my presence represented that his business was spoilt, and that only a portion of the money had been paid, on which my master sent me to Mysore with Annaiya to Súrappa, with instructions to Súrappa to pay Annaiya the remaining money, obtain a document and forward it to him (the Ars). I came then to Mysore and demanded the payment of the money from Súrappa. He promised the first day to pay it. Next day when I went I found that Annaiya had demanded the money himself; then Súrappa said he had been deceived and the money had not been returned from the quarter to which it had been sent. He did not specify the amount of the quarter he referred to. Annaiya then said to him I cannot allow you to suffer, make up your accounts, I will forego Rs. 500. I did not witness the settlement of the accounts. Súrappa then desired Annaiya to write a bond and receipt for Rs. 200 which Annaiya did by executing the bond marked K and the receipt L. I attested them. Annaiya kept them and the letter N to Bopgaudanapurada Ars and asked Súrappa to pay the money on them (K and L). Then Súrappa took Annaiya, Shámanna who had come there when the document was half drawn up and me to Shámanna's house in the fort and there in the upstair room counted out Rs. 580 and gave it to Súrappa, and Súrappa in his turn handed it over to Annaiya. Annaiya found it to contain the above sum and admitted on being asked that he had received Rs. 2,000. He then made over to them K, L, and N and went away. Súrappa then wrote the letter M and gave it to me with K, L, and N as enclosures. I then went to my village and delivered it to my master. No mention was ever made of the defendant's name by any of the parties named, nor was I told that the money was to be employed as a bribe. I never went to Shámanna's house before he paid the money (Rs. 580) to Annaiya. I once went to the door of Kásipati Shástri's house with Súrappa and Annaiya, but Annaiya and I did not go in, and I don't know on what account Súrappa went there. Súrappa and Shámanna never told me anything regarding the cause of the difficulty in the payment of the money.

Cross examined.

There was no settlement of accounts between Shámanna and Súrappa in Shámanna's house. Shámanna in paying it said this is my village money. Annaiya remarked there that the 2000 Rs. bond K cancelled the 3000 Rs. bond, but the latter I have not seen.

The deposition of Kánte Ars, son of Lingaráj Ars, taken by me on solemn affirmation, this 26th day of June 1873.

XXXI. The said Kánte Ars saith:

I am a cultivator, and live at Bopgaudanapura in the Talakádu Talook. I know Annaiya, son of the late Bulalli Lingé Gauda. In June of last year he came with Gururáya to my house at Mysore in the evening Gururáya brought with him in a gunny bag Rs. 2,000 which I sent over to my son-in-law Tankasále Ars to be kept for me. Gururáya brought me word from my brother Bopgaudanapurada Ars that the money was to be paid to Annaiya and a document obtained from him and that Súrappa's assistance should be obtained. I did not ask with what object, nor did he tell me. Next morning Annaiya came to me and desired to send for Súrappa. I did so, and on his coming I told him of my brother's wish that he should assist. Súrappa took Annaiya aside and talked to him. Súrappa then left saying he could do nothing, and Annaiya accompanied him. Next day again at 6 in the morning Annaiya came to me and asked me to send for Súrappa which I did. I sent also for Shámanna as I had some other private business with him. I did not make any reference to Lingé Gauda's case, nor did they; but I asked Súrappa to attend to Annaiya's wishes. Súrappa again took him aside and I heard him (Súrappa) say in a loud voice "you say all this, you must act up to what I say"; Annaiya replied that he would. Súrappa then said to Annaiya speaking loudly if you pay Rs. 1000 to Mr. Krishnaswámaiengar and Rs. 100 to Kásipati Shástri you will be prospered by God. Annaiya replied, but I did not catch his answer. Then Annaiya and Súrappa came to me and the former asked for his money. I then desired Annaiya to execute a bond. Annaiya produced a stamp paper of Rs. 10. I asked him what sum he required. He replied Rs. 3000, on which I said I had not that sum, but Annaiya replied give me the Rs. 2,000 now and you can pay the balance after. Then I desired Súrappa to draw up a deed for Rs. 3,000 which he did. Annaiya signed it, and Shámanna and another attested it. I cannot give the date.

(Here the Court adjourns to Monday the 23rd, to admit of the production of the deed in question for Rs. 3000.)

23rd June 1872.

The witness is recalled and proceeds to give his evidence on his former affirmation.

I produce the deed bearing date the 12th June 1872 for Rs. 3,000. I kept it for reference, but I regarded it as cancelled by the deed K. The added portion (marked R) in which Annaiya acknowledges to having received the Rs. 3000 in cash, is in Annaiya's handwriting. After this deed was executed, I took them to Tankasále Ars' and on my requesting it, Tankasále Ars produced the money. I told Annaiya to count it. He did it, assisted by Gururáya and Súrappa. He said there was Rs. 2,000, and that Rs. 1,100 of the money would be spent and that he had no place to keep the balance Rs. 900; therefore I directed Súrappa to keep the money and give it to Annaiya as he might require it. Súrappa and my servant Ráchaiya then took the money away, the former some in a handkerchief and the remainder in the gunny bag. Annaiya went with him. Shámanna left afterwards, and Gururáya remained there for some time, and I returned after a few hours home. I returned in the morning to my village Haginavalu. I know nothing further about the matter.

Cross examined by defendant's counsel.

I had no interest at all in the money. I never asked Annaiya what sum he wanted. He told me he required Rs. 3,000. I got the bonds drawn in my name at my brother's desire. I kept the first bond with me till I went to Bopgaudanapura when I gave it to my brother. I told him of my inability to pay Annaiya Rs. 1,000 of the Rs. 3,000 when I gave him back the bond Q. I made no observation when it was arranged that portion of the money should be given as a bribe. I knew nothing about the matter or the case of murder till five days after I left Mysore. I did not speak to any one on the subject of the bribe. The addition to the bond R was made at the time of its execution by Annaiya. No one asked him to do it. He added it of his own accord. No arrangement was made about the payment of the unpaid Rs. 1,000 on the bond.

The deposition of Joseph George North, taken by me on oath, this 23rd day of June 1873.

XXXII. The said J. G. North saith :

I am the Manager of the Commissioner of Ashtagram's Office. I produce an original letter No. 30 of the 12th June 1872, written by the defendant, Mr. Krishnaswámaiengar, to the Sessions Judge of the Ashtagram Division, committing one Buhalli Lingé Gauda and nine others for trial. (Letter filed and marked S.)

The examination of S. B. Krishnaswámaiengar, made by me this 23rd day of June 1873.

Question by Court.—Are you acquainted with Kásípati Shástri?
Answer.—Yes. I knew him from his having appeared before me as a party in a Civil Suit in 1865.
Question by Court.—Has he ever been to your house?
Answer.—Never.
Question by Court.—Have you received ever any money from him on any account?
Answer.—No. I have never had any pecuniary dealings with him at all.
Question by Court.—Do you know Rámanna, if so, did you ever authorize him to pay any money for you?
Answer.—Yes. I know him, but I never authorized him to pay any money for me.
Question by Court.—Explain how you purchased supplies from his partner Dodda Mallanna?

Answer.—I purchased some articles from his shop about a year ago, but did not pay for them owing to this case, and his not sending in a bill.

Question by Court.—At what hour did you attend office on the 12th June 1872?

Answer.—To the best of my recollection, I drove to my office in my carriage between 7 and 8 in the morning. I commenced the inquiry that day about 9 o'clock by drawing up the charge against the prisoners, also the summary of the case, and the grounds of commitment which I read out to the prisoners. I then drafted out the letter S and despatched it the same afternoon. I closed the case between 2 and 3 P. M., and gave the warrant of commitment to the Lock-up Daffédar about 3 P. M., I was all that time in Court.

Question by Court.—Do you know the witness Guruva.
Answer.—No. I have never seen him before.

Memo.

This statement was read over to the defendant and contains accurately the whole of his statement.

Proceedings of Preliminary Enquiry Case No. 6 of 1872 in the 1st Assistant Commissioner's Court being in Court are filed and marked T, also Police Proceedings by Major Gompertz marked U, and Major Campbell's Special Inquiry Proceedings marked V.

Proceedings of the Chief Commissioner of Mysore, Judicial Department, 15th August 1873.

In the Court of the District Magistrate, Mysore, Preliminary Inquiry Case No. 1 of 1873.
Summary of Case and Order.

Government, *Vs.* Mr. Krishnaswámaiengar, Assistant Commissioner.

The defendant Mr. Krishnaswámaiengar, Assistant Commissioner, is accused with having received from one Kásipati Shástri a sum of Rs. 900 as a bribe in a murder case No. 6 of 1872, which he committed for trial to the Sessions Court in June 1872. The money for the bribe was originally provided by Bopgaudanapurada Víraráj Ars, who lives at a distance of 39 miles from Mysore, and was delivered by his brother Kánte Ars to Annaiya, son of Buhalli Lingé, Gauda, the man who was hanged. Súrappa and Shámanna acted as go-betweens, the former making the arrangements for the delivery of the bribe, and the latter taking the money said to be carried by his servant Ranga to Kásipati Shástri and accompanying him (Kásipati Shástri) to the defendant's house, where he states he remained outside, while Kásipati Shstri and his servant Guruva are said to have entered the house, and given the money to the defendant in the Devánkhána (reception room) in the upper story of the house. Further, the defendant is accused with having returned the money four days after the Police inquiry held by Major Gompertz on the 18th December last, through one Rámanna, an abkári contractor, who is said, after making arrangements with Kásipati Shástri, to have employed his Sheristadar and Inspector in delivering the money back to Kásipati Shástri. Rupees 500 of this money is produced in Major Campbell's Court by Shámanna, to whom the money is alleged to have been returned for ultimate delivery through Súrappa to Annaiya.

The parties figuring in this case may be described as follows:—

1. Annaiya or Anné Gauda, son of Buhalli Lingé Gauda, who was tried and hanged for murder. He was possessed with means which he spent freely in employing counsel, &c., in the vain hope of saving his father's life.

2. Annaiyá's patron Bopgaudanapurada Víraráj Ars connected with the Palace, a man of respectability and reputed sanctity residing at Bopgaudanapura in the Talakádu Taluk.

3. Kánte Ars, natural brother to Víraráj Ars, also connected with the Palace and who lives occasionally at Mysore.

4. Súrappa, a Brahman residing in Mysore and a dependant on Kánte Ars.
5. Shámanna, an old Vakil and now a renter of lands belonging to the Palace.
6. Kásipati Shástri, a money lender of doubtful reputation.
7. Guruva, servant of Kásipati Shástri on Rs. 3 per mensem.

8. The defendant Mr. Krishnaswámaiengar, Assistant Commissioner in the Mysore Commission, drawing a salary of Rs. 500 per mensem, who was specially deputed to conduct the inquiry into the murder case.

For the better elucidation of the facts and for the determination of the exact dates on which the alleged transactions are said to have taken place, this Court has in addition to the witnesses examined by Majors Gompertz and Campbell, examined nearly every one in any way concerned with the case, including Bopgaudanapurada Víraráj Ars, Kánte Ars, Ranga who is said to have carried the money from Shámanna's to Kásipati Shástri's house. Dodda Mallana, Rámanna's partner and his Gumáshta Nanjundaiya who keeps their accounts, Gururáya, Víraráj Ars' Gumáshta, Mr. Rangáchárlu, Controller of the Palace who is said have given advice to Shámanna, the peons of the 1st Assistant Commissioner's Court, who were said by Kásipati Shástri to have been in attendance at the defendant's house, the defendants coachman Míya Sáhib, who has his horse picketted in the verandah of the house, the Sheristadar of the 1st Assistant Commissioner's Court who was required to produce the Court-diary, the Daffédar of the District Lock-up who took the prisoners accused of murder before the defendant, and one Gangádhara Pandit who happened to be in Court and had supervised the building of a shed in front of the defendant's house. The Court has besides inspected the defendant's house which is situated in the most crowded thoroughfare of Mysore, and was formerly used as a public chatram, and has got the plan and section of the house marked P, prepared under its personal direction.

In order to classify the arrangement of the mass of evidence before the Court, the following points are fixed for determination.

1st. Whether there is ground to believe from the nature of the evidence adduced that the Rs. 900 intended for the bribe actually reached the defendant.

2nd. The conduct of the prime movers with respect to the loan of money made to Annaiya upon exhibits marked K, L and Q.

3rd. The credit to be given to the evidence relating to the alleged return of the money by thedefendant through Rámanna.

4th. The exact dates on which the bribe is alleged to have been given and returned.

And lastly, the conduct of the defendant in connection with the inquiry into the case of murd

The Court must premise that much hearsay evidence has been recorded in its proceedings, and the conduct of third parties in the absence of the defendant has been inquired, but this course was unavoidable, as without it the acts and the motives of the main witnesses in the case would have been unintelligible. They form part of the *res gestoe*. The Court will, however, avoid giving it unfair weight on the well known principle that calumny can never be accepted as evidence of guilt.

It is to be regretted that this public trial did not take place when the circumstances were fresh in the minds of the witnesses; for after the lapse of a year they may be naturally expected to vary in minor points from their previous statements, and to have forgotten much that took place. Due allowance will be made on that account: at the same time when in addition to numerous contradictions, fresh interviews, fresh scenes and fresh subjects of conversation are introduced, and marked discrepancies appear between the statements of the witnesses, the Court cannot fail to regard the evidence adduced with the gravest suspicion. Such is particularly the case in the evidence given by the chief actor in the scene, Kásipati Shástri, on whose evidence and that of his servant Guruva the whole case for the prosecution must stand or fall.

Kásipati Shástri (3rd witness) describes his first interview with the defendant as having taken place the day after the defendant's return from Mallavalli, when the defendant who was going over the papers connected with the case observed to him that the accused Lingé Gauda was a wealthy man, and that should he hear any words, he should not allow them to drop. He admits that he did not tell Shámanna of this interview when Shámanna at Súrappa's request brooched the matter of bribing the defendant to him, and he omitted to relate it when examined by Majors Gompertz and Campbell. He states in this Court that after telling the defendant that the money had been brought to the house, he asked him for permission to bring up Shámanna, and that on the defendant objecting, he went down-stairs to Shámanna, who was waiting outside, and told him of the objection, which is denied by Shámanna, and is opposed to the witness' depositions before Major Campbell and Major Gompertz, in which he said that the conversation, which then took place, related to the return of the money if the case failed. He states in this Court that he told the defendant that the bribe of Rs. 1,000 was short by Rs. 100 on account of a loan he had taken out of it. Whereas before Major Gompertz he said that the defendant discovered the deficiency only the following day, when he (witness) promised to make it good. He states that from his intimacy with the defendant he entered his house unannounced; but the peons (witnesses Nos. 17, 18, 19 and 20) state that non-residents are not allowed to enter without the permission of the defendant being first obtained. He (witness) makes out that the bribe was brought to the defendant in the presence of witness, an extraordinary proceeding, peons having been in attendance both below and at the landing above-stairs and that two Brahmans [whether they were males or females he cannot recollect] were in the Divánkhána, but, though he states he is on visiting terms with the defendant and knew well a former Assistant Commissioner who had charge of the same Court, he expressed his inability to point out any of the peons or any of the inmates of the house. He tried to point out the defendant's son who was in Court, but made a mistake. He speaks of the defendant taking him and his servant Guruva through a passage into a bare room; but Guruva distinctly denies that he ever went through any such passage, and the Court on examination of the house cannot find any such passage leading from the Divánkhána into a bare room [*vide* plan P]. The point which has however caused the greatest amount of distrust in the mind of the Court as to the veracity of the witness, is the account he give of what the defendant did with the money. He deposed "he put it inside" "Inside what" asked the Court "I dont know" replied the witness "a box or a room" Next day on cross-examination he said, that the defendant left it inside the bare room, locking the doors and taking the key with him. The extreme unlikelihood of the defendant who has an abundance of boxes and desks doing such an action is obvious. The next startling point of difference in his evidence before the Court was his statement that he heard the defendant then call for his carriage, saw his office box being put into it, and the defendant drive off; but no mention of the carriage was made before Major Campbell, so on cross-examination (passage numbered) the witness retracted his statement. He has also deposed in this Court that he shook out his cloth a little beyond the bridge shewn on the plan to convince Shámanna (8th witness), that the money had been delivered, but he did not mention this to Major Campbell, and Shámanna who would not be likely to forget such an act does not confirm his statement. It is painful to wade through the contradictions he has made, suffice it to note that they number 24 in all. They completely convince the Court that he has drawn freely on his imagination for scenes which

never occurred, and that his evidence as to the delivery of the money to the defendant is undeserving of trust. It may be as well here to notice the conduct of this witness in Court. When he entered he feigned illness, but as the inquiry proceeded he brightened up, he remonstrated with the Court for objecting to record the minute details which he gave (vide portion of his deposition marked Y) and challenged the defendant's counsel when subjected to a searching cross-examinaiton (vide X).

Guruva (7th witness), evidence is important, as he was the only independent witness present who was not directly implicated in this nefarious business; but, as before observed, it must be read with reference to that of his master Kásipati Shastri. There are discrepancies and contradictions in his evidence also: the chief of which are:—In his cross examination in this Court (*vide* No. 27) he states that his master never said a word to the defendant in his presence, whereas before Major Campbell, he deposed that his master had said he had brought the money. He describes Kásipati Shástri as having gone down the stairs twice not simply once to consult Shámanna. He states he was left the second time by his master some time with the money near the defendant, that he went away directly Kásipati Shástri came back, which is contrary to his former deposition before Major Campbell (*vide* No. 26), in which he had stated that he and his master came down-stairs together. He denies that he was taken through any passage, also that any people were present, or that he subsequently took the money which is said to have been refunded from Kásipati Shástri to Shámanna's house, on all which points his evidence is at variance with that given by his master; further he states his inability in this Court to describe the room in which the bribe was taken: whereas, he told Major Gompertz it was a small room, and the Divánkhána is a large room as may be seen from the plan. It comes out in the course of the inquiry that this witness denied originally before Mr. Gordon and Major Gompertz, all knowledge of the matter: and gave his version of the story only on being confronted with his master.

Shámanna, 8th witness, states that his servant Ranga carried the money from his house to Kásipati Shástri's, but Ranga (26th witness) denies having done so. He deposes also that he saw Kásipati Shástri and Guruva enter the defendent's house with the money though he stood at some distance off. He stated before Major Campbell that his view of the door was obstructed by a shed, but on inspection it is found not to be so obstructed, and further it is now clearly established by the evidence of the peons (17th, 18th, 19th and 20th witnesses) the defendant's coachman, 25th witness, and the builder of the shed (22nd witness), that the pandal was put up only some months after the alleged transaction. This and other discrepancies between the witness's account of the matter and that given by Kásipati Shástri lead the Court to place no reliance on this witness. It may be remarked that before Major Gompertz these witnesses agreed so long as their statements were taken only with regard to the main-points, but when they are asked for details by Major Campbell and in this Court they differ frequently especially with regard to locality. No charge against the defendant could possibly be framed on such intrinsically worthless evidence.

2*ndly*. The dealings which Kánte Ars, Súrappa, Shámanna and Kásipati Shástri had with Annaiya and each other with regard to the loan to Annaiya and the repayment of a portion of it by Shámanna and Kásipati Shástri, are deserving of notice: not so far as they relate to the defendant, but inasmuch as they throw light on their motives and account for the reports spread by them against the defendant. At the commencement the unfortunate man Annaiya was made to execute a deed to Kánte Ars for Rs. 3,000, while he received only Rs 2,000, and to rest content with the assurance that the 1,000 Rs. would be paid some time after, when Kánte Ars was in funds. Seeing that Bopgaudanapurada Vírarái Ars was not informed of the existence of this bond Q which has been produced by Kánte Ars, it is very evident that the difference was to have been Kánte Ars' profit in the transaction. Again from the dopositions originally given by the witnesses for the prosecution, it is evident that the Rs. 2,000 sent to Mysore by B. Viraráj Ars was the original sum intended for the bribe; but of this sum Rs. 1,000 is admitted to have found its way straight into Súrappa's hands, on the ground that it was to be kept to meet Annaiya's wants. It is stated in this Court that it was sent by Shámmana to Súrappa's house in the afternoon, whereas, before Major Campbell they both stated that it was left with Súrappa at 10 in the morning when they were at Shámanna's house prior to Shámanna starting with the Rs. 1,000 for Kásipati Shástri's house (*vide* entries numbered 40 and 62). The latter is more probable as nothing is shewn as to what became of the change of which a portion of the Rs. 2,000 was composed and which Súrappa is said to have taken originally from Kánte Ars' house to Shámanna's in a handkerchief. Whatever others may have done, it is evident that there was one honest man among them, namely, B. Vírarái Ars, who behaved like a gentleman throughout and was not disposed to allow his client Annaiya to be swindled out of his money. For on Annaiya complaining that Súrappa had withheld the money, which he (B. Vírarái Ars) had advanced through his brother Kánté Ars, he despatched his Gumástha Gururáya (3rd witness) and fixed Súrappa to render an account, and send him the bond for the money R, with the receipt L for Rs. 2,000. Kásipati Shástri states that after the case had gone against the prisoners, being pressed by Shámanna for the return of the money, he dunned the defendant more than once, but he cannot state who were present on these occasions. He and Shámanna however agreed between them to make good Rs. 500 the former doing so by giving Rs. 68 and odd and squaring some accounts with Shámana regarding which their statements differ.

Shámanna is shewn then to have given Rs. 500 to Súrappa, and Súrappa to have made good Rs. 80 from some account with Shámanna. Other sums aggregating 920 were paid by Súrappa to Annaiya for the engagement of pleaders on dates not given, and Annaiya was persuaded to remit Rs. 500 of the balance and to sign the receipt L, and the fresh bond K. Kánte Ars' conduct in getting a deed for Rs. 3,000 when he paid actually only Rs. 2,000 was, to say the least of it, disgraceful, and Súrappa's equally so in that by getting the receipt L, from Annaiya he deceived B. Víraj Ars into the belief that the whole of the Rs. 2,000 had been paid back to Annaiya, whereas in truth and in fact he had got Annaiya to relinquish all claim on Rs. 500. As to the evidence given by Hebbále Subbaiya (24th witness) and others of Súrappa and Shámanna having sat dharna at Kásipati Shástri's gate, the only conclusion that the Court can arrive at is, that the money was known not to have gone further, and that the defendant's name was brought forward as a cloak to screen their own rascality. Otherwise no reason can be assigned for Kásipati Shástri and Shámanna making good a portion of the money quietly between them, instead of denouncing the defendant to the authorities. They were in no way indebted to the defendant and two of them were perfect strangers.

3*rdly* By far the strangest feature in this complex case is, the alleged return of the money by the defendant through Rámanna, just after the close of Major Gompertz's Police inquiry, when the whole matter had been blown. Kásipati Shástri states in this Court that Rámanna came to his house at 11 at night accompanied by his Sheristadar Shankrappa (before Major Campbell he added Krishnappa,) and stated the defendant's desire to return the money; to which Kásipati Shástri assented, remarking however that it was rather late since he had told all to Mr. Gordon. A blind man Atchappa Shástri (13th witness) deposes to his having knocked against Shankarappa, who told him his name and the errand on which he and his master had come. Next morning Shámanna, who states that Shankarappa and Krishnappa had been to his house also came to Kásipati Shástri, and Shámanna then agreed to take the advice of Mr. Rangáchárlu, Controller of the Palace, which he says he did personally, and that he was desired to receive back the money; but Mr. Rangáchárlu (27th witness) on being examined distinctly denies having seen Shámanna at that time, and states that when he received a message from Shámanna he distinctly declined to have anything to say to it. This shews how little credence can be placed on Shámanna's statements. He (Shámanna), Abkári Sheristadar Shankrappa and Krishnappa are stated by Kásipati Shástri to have come the same evening with the money to his house, but without any regular appointment. One Venkata Setti (16th witness) was then sent to call Shámanna, which Venkata Setti admits he did; but states that he did not see any money, nor can he identify Abkári Sheristadar Shankarappa and Krishnappa. On Shámanna's coming, the money was weighed, and Shámanna and Kásipati Shástri reimbursed themselves the money which they had previously made good to Súrappa. Kásipati Shástri's Shánbhóg Maiyappa (21st witness), Hebbále Subbaiya (24th witness), and one Lakshminárayana Shástri (since deceased) are then said to have come in, and in their depositions they state they saw the money with Shámanna. Abkári Sheristadar Shankarappa and Krishnappa then went away, and a memo marked J was written out for Kásipati Shástri, and dictated by Shámanna, but it was not signed. Kálinga Setti (14th witness), and Venkata Rao (23rd witness), who are said by Kásipati Shástri to have been there, deny all knowledge of the matter, and it is extremely improbable that so many people should have met without appointment, and more so that in such a matter there should be no secrecy at all. Besides there is a link in the chain of evidence wanting to connect the defendant with the alleged transaction, for Rámanna (12th witness), Abkári Shankarappa (5th witness), and Krishnappa (10th witness), through whose instrumentality the bribe is alleged to have been returned, all distinctly deny the part they are alleged to have taken, and their denial is supported byt he evidence given by Rámanna's partner Dodda Mallana (2nd witness) and his Gumáshta Nanjundaiya (4th witness), who produced their books and shew that the only transaction they had with the defendant (Mr. Krishnaswámaiengar) was the sale of some articles of food for which he owes them still Rs. 52—7—5 (*vide* entry in ledger marked A), and for which they state they did not send in a bill pending the present inquiry in which their partner's name had been brought forward: they also point to their day book C, in which no sum of Rs. 900 is shewn as disbursed at the time alleged. Their books are regularly kept, and Rámanna and the others are well known to the Court as highly respectable men. Their testimony is much more deserving of credit than that of the witnesses who state they saw the return of the money. From the fact of a sum of Rs. 500 being produced before Major Campbell's Court by Shámanna, this Court is satisfied that Kásipati Shástri, to strengthen his accusations, did pay back some money: but it is difficult to believe that any man of the defendant's legal acumen and intelligence, would have doubled his chances of conviction by taking such an useless step at such a time. It is a pity only that Mr. Rangáchárlu, who had exerted himself so much in the case, did not communicate with the Police on receiving Shámanna's message, so that a trap might have been laid, which would have disclosed the true facts concerning the return of the money.

4*thly*. The Court owing to the chief witnesses for the prosecution not giving dates or even the day of the week, had the greatest difficulty in following their accounts of the transaction, but the date on which the bribe is alleged to have been given is the most important point in the whole case: but

fortunately by the production of the bond Q, on which the money was given by Kánte Ars, the date of the bribe is fixed as the 12th June 1872, and it is to be inferred that all the transactions related by Shámanna (8th witness) of his meeting Súrappa on the bund of the large tank, of their meeting again by appointment at Kánte Ars, of the party going to Tankasále Ars' house where the money was produced and counted by Annaiya, and of their taking it to Shámanna's house, and from thence his taking a portion of it to Kásipati Shástri's where it was weighed and sealed, (on this point he differs with Kásipati Shástri) and to its then being taken and delivered to the defendant, must all have occurred in the morning before the defendant went to his office. The date on which the money is alleged to have been returned is ascertained by Mariyappá's memo J to be the 22nd December 1872.

The importance of these dates as affecting the inquiry may be judged, when lastly the defendant's conduct in the case is considered. It comes out on evidence through the depositions given by the Court Sheristadar (15th witness) peon Ninga (18th witness), the, defendant's coachman (20th witness) and the Daffédar of the District Lock-up, (26th witness), that the defendant on that day (the 12th June 1872) went to his office early in the morning and opened the Court, before which the prisoners were brought at 9 A. M., and that he closed it at 3 P. M., which facts are confirmed by the entries G, H and I in the Court-diary kept by the Sheristadar in his own handwriting. So, if they are to be believed, and the Court sees no reason for discrediting them, a complete alibi is established and the defendant could not possibly have received the bribe. At the hour Shámanna states it was being given (11 o'clock or ½ past 11, and 10 or ½ past 10 according to Kásipati Shástri and Guruva), the Assistant Commissioner (defendant) was engaged in drawing up a lengthened summary of the case strongly against the prisoner, for whose sake he is said to have taken the bribe. Far from favoring the prisoner by postponing the inquiry, as might be presumed would be the natural course he would have followed had the bribe reached him, he did his utmost to carry out the ends of justice. He, in committing the prisoner for trial, addressed the letter S to the Sessions Court, recommending that special measures should be taken to bring on the trial, in view to prevent the witnesses being tampered with. It is moreover deserving of notice that, in the dying petition marked E, presented by Annaiya's father Bulalli Lingé Ganda, which originated this inquiry, although the deceased accuses Rághavéndra Rao, a Pleader, (1st witness) of having fleeced his son, and enters into other particulars, he makes not the slightest allusion to the defendant, whose proceedings were instrumental in getting him sentenced to suffer the extreme penalty of the law, nor was any complaint ever made by Annaiya till he was sent for by the late Deputy Commissioner (*vide* statement marked F,) or by any one else.

Under these circumstances, this Court is satisfied from the preliminary inquiry which it has held under the orders of the Judicial Commissioner, that the accusations brought against the defendant are wholly false and unfounded.

Order.—The Court having taken the evidence for the prosecution, and finding that there are not sufficient grounds for committing the accused to the Court of Sessions, directs, under Section 195 of the Criminal Procedure Code, that he, the said Krishnaswámaiengar, be and is hereby discharged.

24TH JUNE 1873.

W. HILL,
Offg. District Magistrate, Mysore.

No. 2572—JUDL. 7, DATED BANGALORE, 15TH AUGUST 1873.

ORDER THEREON.—With reference to the trial of Mr. Krishnaswámaiengar, the Commissioner of the Ashtagram Division is requested to report what instructions, if any, were issued by him to the Magistrate in connection with the trial of the case, and if the services of the Public Prosecutor were placed at the disposal of the Magistrate. The Commissioner will further state whether the Magistrate made any reference to him regarding the services of a Public Prosecutor.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Judicial Department,
18th August 1873.

From the Judicial Commissioner of Mysore, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. 1025—128, dated Bangalore, 5th August 1873.

I have the honor to acknowledge the receipt of your docket No. 1778—60, dated 5th ultimo, forwarding for my opinion letters No. 21—1025 and 24—1115, dated 11th and 25th June 1873, from the Secretary to the Government of India, relating to the rate of interest which Courts of Justice in India can decree when no rate has been agreed upon between the parties.

2. In reply, I beg to state that my reply has been delayed in order to obtain the opinions of some of the Judicial Officers in the Province. But as I have been asked for an early reply, I will no longer on that account withhold my opinion. I have received one answer as yet to my call. The Commissioner of the Ashtagram Division is in favor of limiting the amount of interest in such case to six per cent per annum.

3. Whilst I am very strongly opposed to the award of excessive interest by our Courts, I am inclined to doubt the expediency in the interest of the borrower of fixing, by legislative enactment, a precise limit in such cases. The effect of such a course would probably be to ensure the mention of a high rate of interest in every agreement, and the practical general result would thus be the reverse of that desired.

4. On the whole, I think it better to leave the question as heretofore to the discretion of the Court.

ORDER THEREON.—Ordered, that the following letter No. 2602—13, dated Bangalore, 18th August 1873, be forwarded to the Government of India, Home Department.

H. W. WELLESLEY,
Offg. Secretary.

No. 2602.
13, Judl.

MYSORE CHIEF COMMISSIONER'S OFFICE,
DATED BANGALORE, 18*th August* 1873.

FROM

THE OFFICIATING SECRETARY TO THE CHIEF COMMISSIONER OF MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT,
SIMLA.

"Judicial."

SIR,

With reference to your letter No. 1025, dated the 11th June 1873, forwarding extracts from a judgment by the Judicial Committee of the Privy Council, together with copy of a despatch from the Secretary of State, and requesting an expression of the Chief Commissioner's opinion on the question therein raised as to the expediency of limiting by law the rate of interest which Courts may award in cases where no rate has been agreed upon by the contending parties, I am directed to append for the information of His Excellency the Viceroy and Governor General in Council, copy of the report noted in the margin, on the subject, from the Judicial Commissioner of Mysore, and to submit the following observations.

No. 1025—128, dated the 5th August 1873.

2. It appears to Colonel Meade that the present state of the law in regard to the point under discussion should not be altered. It would be difficult to prescribe as the limit any reasonable rate of interest for the whole of India. What would be a reasonable rate in Bombay among Europeans might be highly exorbitant in the rural districts of Mysore and Coorg among Natives. Again, the state of the money market fluctuates very much from time to time owing to causes too numerous to mention, and it would be difficult to foretell what will be considered a reasonable rate of interest ten years hence.

3. It also occurs to the Chief Commissioner that if a high rate of interest were fixed on as the limit (and this he considers would be necessary), the Government might in certain quarters be charged with countenancing usurious rates, and he thinks it not improbable that usury might be encouraged.

I have the honor to be

Sir,

Your most obedient Servant,

H. W. WELLESLEY,
Offg. Secretary.

ORDER.—Ordered, that the following letter be sent to the Government of India, No. 2683—14, J. dated Bangalore, 20th August 1873.

H. W. WELLESLEY,
Offg. Secretary.

No. 2683.
14, J.

MYSORE CHIEF COMMISSIONER'S OFFICE,
DATED BANGALORE, *20th August* 1873.

FROM

THE OFFICIATING SECRETARY TO THE CHIEF COMMISSIONER OF MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT,
SIMLA.

"Judicial."

SIR,

With reference to your letter No. 961, dated the 30th May 1873, inviting suggestions in connection with the proposed revision of the forms in which jail statistics are now prepared, I have the honor, by direction of the Chief Commissioner, to submit the following observations.

2. Presuming that the object of the proposed revision is to reduce the mass of figures contained in the forms, the columns for "annas" and "pies" which are very numerous, might be omitted altogether, excepting where the "cost per head of average strength, &c.," occurs. A great saving of figures would thus be effected, as for instance, in Form IX alone, 14 columns would disappear. The effect of this would be a slight

discrepancy in regard to the totals, which, however, could be provided for approximately by reckoning all sums above 8 annas as 1 rupee, and omitting entirely all sums below 8 annas.

3. In the 22 forms containing statistics of the jails in Mysore, 6 minor totals for Districts and Divisions are given in the body of each form, which afford no essential information, but increase the mass of figures unnecessarily. It is deserving of consideration whether one grand total at the bottom of each statement would not answer all purposes.

4. In Statement XII, relating to results of manufactories in jails, column 6 shews the "average actual cash earnings per head of average number of prisoners sentenced to labor." It would appear that no useful object can be gained by including in the calculation those who do not work or contribute towards the jail earnings. The heading should be altered so as to shew the average earnings of each prisoner *actually* employed in the manufactures, such average being calculated only on the *actual profits* realized, which should be shewn in a separate column. This mode of striking the average is considered necessary, as in many cases the calculation is based partly on sums refunded to treasuries.

5. It is proposed that a fresh column headed "actual profits" should be added in column 10 of Statement No. XIV.

6. The statements of vital statistics (Forms XV to XX) so far as can be ascertained, are quite complete. But it might be an improvement in the system of calculation were it laid down as a general principle that *like* shall be compared with *like*, or in other words averages with averages, and totals or actuals with totals or actuals.

7. In Appendix A, Form XII, regarding scale of diet, a saving of figures might be effected by entering the quantity of the rations once for all, to be followed by the words "daily" or "triweekly," as the case may be.

8. Column 3, in Forms VI and VII, which shews the daily average number of prisoners, might be omitted, as this information is provided for in column 8 of Form No. I.

I have the honor to be

Sir,

Your most obedient Servant,

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Judicial Department,
25ra August 1873.

(Confidential.)

No. 2746,
15, J.

MYSORE CHIEF COMMISSIONER'S OFFICE,
DATED BANGALORE, *23rd August* 1873.

FROM

THE OFFICIATING SECRETARY TO THE CHIEF COMMISSIONER
OF MYSORE.

To

THE UNDER-SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT,
SIMLA.

"Judicial."

SIR,

With reference to your letter No. 651, dated 5th April 1873, requesting certain information in regard to the working of Section 302 of Act X of 1872, I have the honor, by direction of the Chief Commissioner, to inform you that much practical inconvenience has not yet occurred. This is due in part to the short time the Act has been in force, and also that in some Districts the change in procedure has not been perceived by the Magistrates.

2. It is generally anticipated that much inconvenience will result from retaining the provisions of this section, and may deter Magistrates at places distant from a jail from passing sentences of whipping in cases in which such punishment would be most appropriate. At outstations far distant from the District Jail, or in the case of a Magistrate holding a trial in a camp in an out of the way portion of the District, it would cause much delay, trouble and expense to forward a person sentenced to whipping to the Officer in charge of the District Jail.

Under the present procedure a juvenile offender for whom a whipping, publicly on the spot where the offence was committed, would be the most suitable punishment, might have to be marched under custody to a jail 50 miles off to undergo his punishment.

3. Colonel Meade therefore thinks it desirable that the provisions of Section 302 of Act X of 1872, should be so altered as to place some discretionary power in the hands of the Magistrate in respect to the place where sentences of whipping are to be executed.

I have the honor to be

Sir,

Your most obedient Servant,

H. W. WELLESLEY,
Offg. Secretary.

PART I.

DEPARTMENT OF AGRICULTURE, REVENUE & COMMERCE.

A.

PROCEEDINGS OF THE CHIEF COMMISSIONER OF MYSORE FOR THE MONTH OF AUGUST 1873.

1	2	3	4	5	6
Index Nos. of the Proceedings.	Subject.	Nos. and Dates of Proceedings.	Date of Report to the Secretary of State for India.	Nos. and Dates of previous Proceedings.	Page.
1 to 2	*Statement of miscellaneous receipts in the Ashtagram Division for* 1872—73. Calling for further information from the Commissioner.	No. 2261—32, dated 1st August 1873.	...	...	1
3 to 4	*Experimental cultivation of the Aralea Papyrifera or China rice paper plant.* Requesting Colonel Boddam to arrange for the experimental cultivation of a sufficient quantity of it either in the Lál Bágh or Jail garden.	No. 2283—69, dated 1st August 1873.	...	...	1
5 to 6	*Enfranchisement of jódi villages confirmed on old jódi rates.* Passing orders on letter from Survey and Inám Commissioner on the subject.	No. 2284—70, dated 1st August 1873.	...	...	2
7 to 8	*Proposed grant of a piece of dry waste to one Sanjiva in lieu of an equal extent of inám land belonging to him rendered unfit for cultivation by an overgrowth of date trees.* Remarking on the subject and requesting Nandidroog Commissioner to report if the inámdar consents to the arrangement.	No. 2296—22, dated 2nd August 1873.	...	...	3
9 to 12	*Enforced conversion of dry into wet rates in the case of lands in this Province for which the means of irrigation might be provided by Government.* Forwarding correspondence with Government of India on the subject to Commissioners of Divisions, Survey and Settlement Commissioner, and Superintending Engineer of Irrigation for information.	No. 2313—23, dated 4th August 1873.	...	...	4
13 to 15	*"Wárakánike" Tax.* Requesting Nandidroog Commissioner to ascertain and report its total value, when final orders on the subject of its abolition would be issued.	No. 2336—63, dated 5th August 1873.	...	...	5
16 to 17	*Promotion of Captain Cowie of the Revenue Survey.* Letter from Survey and Settlement Commissioner on the subject, ordered to be submitted to the Government of India.	No. 2341—33, dated 5th August 1873.	...	...	6
18	Letter to Government of India accordingly.				

1	2	3	4	5	6
Index Nos. of the Proceedings.	Subject.	Nos. and Dates of Proceedings.	Date of Report to the Secretary of State for India.	Nos. and Dates of previous Proceedings.	Page.
19 to 21	*Tract of country inspected by Mr. Ludlow, Assistant Conservator on special duty suitable for a fuel forest.* Passing orders on letter with enclosures from Conservator of Forests on the subject.	No. 2338—64, dated 5th August 1873.	...	...	7 to 10
22	*Land granted to the Kulavádi of the Hosakoppa village, Hassan District.* Directing Ashtagram Commissioner not to allow it to appear in Inámti Statement Class II, No. 6, as it was only a temporary grant.	No. 2342—35, dated 5th August 1873.	...	..	10
23 to 25	*Fine levied from village Patél Middaiya.* Passing orders on letter from Nandidroog Commissioner reporting on the petition of the villagers on the subject.	No. 2367—65, dated 6th August 1873.	...	...	11
26 to 28	*Manual of instructions for the guidance of Shánbhógs* Intimating to Nandidroog Commissioner that copies would be issued gratis to those officials.	No. 2369—66, dated 6th August 1873.	...	...	12
29 to 30	*Arrears of revenue due by certain ryots to the Coimbatore Collectorate.* Forwarding letter from Acting Sub Collector on the subject to Ashtagram Commissioner for disposal.	No. 2372—36. dated 6th August 1873.	...	...	12
31 to 32	*Expenditure incurred on Hubli Schools.* Passing orders on letter from Director of Public Instruction on the objects to which the surplus of the local fund collections on that account can be most suitably applied.	No 2391—76, dated 6th August 1873.	...	...	14
33 to 34	*Removal of an item of Rs. 7,395-2-0 from the Forest Department demand, collection, and balance statements for 1872—73.* Informing Conservator of Forests that the Chief Commissioner sanctioned it, and remarking on the irregularity in the submission of the monthly returns of his Department.	No. 2431—77, dated 7th August 1873.	...	...	15 to 16
35 to 37	*Establishment of a beer brewery by one Mr. Abraham.* Informing Nandidroog Commissioner that the opinion of the Bench of Justices should be taken as to the advisability of extending the number of Breweries in Bangalore, and that the question of its establishment was more a municipal than a revenue one.	No. 2475—68, dated 11th August 1873.	..	...	16
38 to 39	*Refund bill for Rs. 96—5—6, in favor of one Nanjaiya.* Informing Nagar Commissioner that the Chief Commissioner sanctioned it.	No. 2493—36, dated 12th August 1873.	...	...	17

1	2	3	4	5	6
Index Nos. of the Proceedings.	Subject.	Nos. and Dates of Proceedings.	Date of Report to the Secretary of State for India.	Nos. and Dates of previous Proceedings.	Page.
40 to 41	*Copies of Budgets proposed by Ashtagram Commissioner for the Establishment of Municipalities in certain towns of the Mysore and Hassan Districts.* Returning them to Deputy Accountant General for examination as pointed out.	No. 2501—79, dated 12th August 1873.	...	...	17 to 18
42 to 44	*Land applied for by Mr. Assistant Commissioner Mahomed Ali, for the purpose of planting a tope.* Informing Nandidroog Commissioner that the Chief Commissioner readily sanctioned the grant of the same for the purpose for which it was required.	No. 2534—69, dated 13th August 1873.	...	..	18
45 to 47	*Tax on cotton in the Chennapatna Talook.* Informing Nandidroog Commissioner that the Chief Commissioner sanctioned its abolition.	No 2535—70, dated 13th August 1873.	...	...	19
48	*Return of Mohatarfa or assessed tax in the Nandidroog Division for* 1872—73. Calling on Nandidroog Commissioner to explain certain errors in it, as pointed out.	No. 2537—71, dated 13th August 1873.	...	...	20
49 to 50	*Civil suit brought by Bégún Shámanna against the Forest Department.* Communicating to the Conservator of Forests the Chief Commissioner's opinion on the advisability of an appeal against the decision of the Judicial Assistant, Shimoga District, in the case.	No. 2538—80, dated 13th August 1873.	...	...	20 to 21
51 to 53	*Seignorage on the bark of the Kakke tree (cassia fistula.)* Forwarding to Conservator of Forests, for opinion, letter from Ashtagram Commissioner proposing its levy on ten cart loads required by one Bábudín Sábi.	No. 2541—81, dated 13th August 1873.	...	...	22
54 to 55	*Supplemental Municipal Budget of the Kolár District for* 1873—74. Intimating to Nandidroog Commissioner that the Chief Commissioner sanctioned it on the understanding that the expenditure was kept within the actual receipts of the year.	No. 2542—82, dated 13th August 1873.	...	...	22 to 23
56 to 57	*Improvement of vital statistical forms.* Letter to Government of India submitting the Chief Commissioner's views on the subject.	No. 2571—38, dated 15th August 1873.	..	...	23 to 24
58 to 62	*Kádamane Coffee Estate.* Informing Ashtagram Commissioner that before final orders are passed on Mr. Middleton's application to plant Cardamoms, the Chief Commissioner considers it essential to have an accurate Survey of the estate, which should be arranged for by the Survey Commissioner.	No. 2604—41, dated 18th August 1873.	...	...	25 to 27

1	2	3	4	5	6
Index Nos. of the Proceedings.	Subject.	Nos. and Dates of Proceedings.	Date of Report to the Secretary of State for India.	Nos. and Dates of previous Proceedings.	Page.
63 to 65	*Alienation of State lands for building purposes on behalf of certain individuals of the Kadoor District* Informing Nagar Commissioner that the Chief Commissioner sanctioned the same.	No. 2638—38, dated 19th August 1873.	...	...	27 to 28
66 to 68	*Inám land belonging to the temple of Bíréśvara in the Kunigalu Talook* Informing Survey and Settlement Commissioner that the Chief Commissioner sanctioned its release from attachment as a special case from the commencement of the official year, 1874—75.	No. 2711—86, dated 21st August 1873.	...	...	29
69 to 71	*Tobacco culture.* Submitting a report on the subject to the Government of India.	No. 2709—39, dated 21st August 1873.	...	...	31 to 34
72	*Postal receipts for* 1872—73 Communicating to Anché Bakshi the Chief Commissioner's observations on a review of the statements received from the Divisions.	No. 2743—24, dated 23rd August 1873	...	..	34
73 to 77	*Culture of the Vanilla plant* Correspondence on the subject from Colonel Puckle ordered to be published in the *Mysore Gazette*, and a copy submitted to the Government of India.	No. 2755—42, dated 23rd August 1873.	...	...	35 to 36
78	Letter to Government of India accordingly.				
79 to 82	*Abandonment of an unhealthy site at present occupied by the Vrittidars of the Rámaságara Agrahára in the Bímangala Talook.* Sanctioning the recommendation of the Survey and Settlement Commissioner on the understanding that all the Vrittidars establish themselves and reside at the new locality.	No. 2851—93, dated 28th August 1873.	...	...	37 to 38
83 to 84	*Maize seed.* Passing orders on a letter from Col. Boddam on the subject.	No. 2855—94, dated 28th August 1873.	...	...	38
85 to 89	*Boundary between the Salem District and this Province.* Passing orders on correspondence from Madras Government on the subject of its demarcation, and directing that that Government be informed that the Nandidroog Commissioner had been directed to depute an Amildar to complete the work.	No. 2876—25, P, dated 29th August 1873.	...	...	39 to 41
90	Letter to Madras Government accordingly.				

Statement Class VIII, No. 7, shewing the particulars of miscellaneous receipts in the Ashtagram Division for 1872—73.

No. 2281—Rev. 32, dated Bangalore, 1st August 1873.

Order thereon.—From the above, it is observed that Rs. 7,586—7—9 is shewn to have been transferred from the Local Funds to the Educational Department in the Hassan District; while no such provision is shewn to have been made for the educational wants of the Mysore District. The reason for this omission should be explained.

2. Another point also calling for explanation is whether the amount specified above is included or not in the Rs. 70,124—7—1, which represents the gross amount of the cess in the Division for 1872—73, according to statement class X, No. 4, for that year. In the former case, a corresponding deduction should have been made in the latter figure for obvious reasons. But should the two sums be independent of each other, the Officiating Commissioner is requested to report from what year's local funds the Rs. 7,586—7—9 has been appropriated.

3. In the case of such transfers, the adjustment of which should be completed by the Deputy Accountant General, the proper course appears to the Chief Commissioner to be that, at the close of each year, the Educational share of the District Local Fund cess shall be simply deducted from the gross amount of the cess in the Divisional Local Fund account, and transferred to the head of Education, the balance then remaining being alone available for Local Fund purposes.

H. W. WELLESLEY,
Offg. Secretary.

From Colonel E. Boddam, on Special Duty, To the Officiating Secretary to the Chief Commissioner of Mysore, General Department, No. 23, dated Bangalore, 18th July 1873.

With reference to the enquiry now being made, under the orders of the Government of India, regarding fibres suitable for paper making, I have the honor to state that four years ago I introduced the Aralea Papyrefera or China rice-paper plant into Bangalore, as an ornamental foliage plant. It did well under horticulture, and I soon gave the Superintendent of the Lál Bágh some plants. These have also grown well and been multiplied, and it is to be seen in a great number of the gardens in Bangalore. At Bangalore it requires good soil and free watering, and would not I suppose pay, grown as a fibre producing plant: but in the warmer and more moist parts of the Province, I should think it would grow with very little trouble How far it is in demand in Europe for paper-making I do not know, but it is very extensively used in China and Formosa. The subject may be worth further enquiry.

No. 2283—Rev. 69, dated Bangalore, 1st August 1873.

Order thereon.—The Chief Commissioner requests that Colonel Boddam will be good enough to arrange for the experimental cultivation of a sufficient quantity of the Aralea Papyrefera either in the Lál Bágh or the Jail Garden.

2. Colonel Meade observes that the plant has hitherto been grown solely as a garden shrub, and that it would probably require two years to supply leaves fit for manufacturing purposes.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 1st August 1873.

Memorandum by the Survey and Inám Commissioner of Mysore, No. 926, dated Dharwar, 19th June 1873.

This case is referred for the orders of the Chief Commissioner.

2nd. It appears to the Inám Commissioner that enfranchisement was fairly refused in October 1870, and the title deed issued accordingly. The complainant, alluded to in para 3; asserts that the refusal of his brother and co-sharer was opposed to his and his other co-sharers' wishes, but this is an assertion more easily made than to be accepted as a valid cause for re-opening the settlement of October 1870, after this lapse of time.

3rd. What is asked for is a cancelling of the title deed of the 25th October 1870, and the granting a fresh one at the present time on different terms; it appears to the Inám Commissioner that this can only be fairly conceded on the terms now in force, those under which this inám would have been settled had it now come under settlement for the first time, namely, on a temporary quit rent pending final valuation by the Survey.

4th. The Inám Commissioner does not think it desirable or possible to make general rules applicable to all cases coming under heads A and B, at para 4 of the Inám Superintendent's letter appended, as it is evident that there may be great variation in the circumstances of different cases.

5th. But one general rule appears just and applicable in all cases, namely, that when entire cancelment of the original settlement is sought for a new one should only be conceded as a settlement *de novo* on present rules. In some cases when the right of enfranchisement was conceded at a time distant from the original settlement, it would be just to require the payment of revised quit rent in arrears with interest on the principle sanctioned in the case of inámdars declining to accept enfranchisement till the survey valuation was known. This, however, would be a matter for special adjustment in reference to the circumstances of each case.

Para 5, Secretary's letter No. 5167—153 of the 10th December 1872.

No. 2284—Rev. 70, dated Bangalore, 1st August 1873.

Order thereon.—In the foregoing memo the Inám Commissioner refers for orders an application made in December 1872, for the enfranchisement of a jódi village in the Bétamngala Talook, which had been confirmed on the old jódi in October 1870, on the refusal of one of its holders to have it enfranchised, and also discusses a question raised by the Inám Superintendent of laying down certain rules of general applicability in similar cases.

2. Colonel Meade is not prepared to accord any *general* sanction such as is sought in clauses A and B, in para 4 of Colonel Puckle's *letter, to the re-opening of settlements in cases in which enfranchisement has been refused by an inámdar, as the Chief Commissioner deems it necessary that every application should be dealt with as a special case on its own individual merits. Ordinarily, such applications should, in Colonel Meade's opinion, be rejected, except on special grounds, which do not appear to exist in the case which occasioned the present reference.

* No. 26 of 21st May 1873 to Inám Commissioner.

3. Whenever such an application is admitted, the Chief Commissioner directs that the former settlement should be cancelled, and the title deed returned by the applicant for the purpose of being destroyed, the case being dealt with *de novo*, under the rules in force at the time of such new settlement. In all such cases, however, the quit rent imposed for enfranchisement will be levied in arrears from date of the original settlement, with interest, on the principle sanctioned by the Chief Commissioner in the † letter noted in the margin.

† From Secy. to Inám Commr., No. 5167—153 of 10th December 1872 (para 5).

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 2nd August 1873.

From the Offg. Commissioner of the Nandidroog Division, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. R. 48, dated Bangalore, 30th June 1873.

With reference to your docket No. 390—R. 13, dated 24th April last, regarding the grant of 3 *k*, 5 *p*, and 9 *v*, of dry waste land to Sanjiva of Vátada Hosahalli in the Gudibanda Talook, in lieu of his inám land overgrown with date trees, I have the honor to state, for the Chief Commissioner's information, that I have ascertained from the Deputy Commissioner of Kolár, that no title deed has been granted to the inámdar, as the land in question is a service inám falling within the sphere of operation of the Survey and Settlement Department; I therefore request the favor of being informed whether the extent proposed to be granted may be made over to the inámdar or not.

2. I beg to add, that I am aware of no other ground for the transfer, but that given in para 4 of my letter No. 234, dated 19th March 1873, *viz.*, that the Government will thereby gain a sum of Rs. 200 annually.

No. 2296—Rev. 22, dated Bangalore, 2nd August 1873.

Order thereon.—In his letter No. 48 of the 30th ultimo, the Commissioner of the Nandidroog Division again moots the question of granting a piece of dry waste in lieu of an equal extent of inám land, in the Kolár District, rendered unfit for cultivation by an overgrowth of date trees thereon, and enquires whether the exchange may or may not be effected.

2. It appears to the Chief Commissioner that the resumption of the inám land in question by Government however desirable, can only be authorized with propriety if the inámdar consent thereto, and is willing to take the land proposed to be given him in exchange, and this point will be specially reported on.

3. Under the system hitherto in force, the Government had the right to draw toddy from all date trees *wherever situated*, and this right was transferred to the contractor for the time being. It was therefore the duty of Revenue Officers *before the renewal* of the contract to authorize the removal of any date trees that interfered with cultivation, and this should have been done in the present instance on the inámdar's application.

4. Whenever the survey is introduced, the date trees on occupied lands, whether inám or kandáyem, become the property of the holder; but he cannot draw toddy from them for use or sale otherwise than through the contractor.

5. The necessity of establishing a sufficiency of date reserves on Government land is a matter of importance, and has been repeatedly urged by the Chief Commissioner on the Revenue Officers.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 4th August 1873.

From the Officiating Secretary to the Chief Commissioner of Mysore, To the Secretary to the Government of India, Foreign Department, Calcutta, No. 4365—R, 120, dated Bangalore, 5th November 1872.

With reference to your letter No. 12, R, I, dated 13th July last, calling for a further explanation on the subject of the enforced conversion of dry into wet rates, in the case of lands in this Province for which the means of irrigation may be provided by Government, and intimating that His Excellency the Viceroy and Governor General in Council considers it open to question that a ryot should be forced in such cases to use the water so provided or relinquish his lands, I am directed to state, for the information of His Excellency in Council, that a careful search amongst the archives of this Administration has failed to discover any actual regulation or order having the force of a general law bearing on this question; but it has been clearly established that the practice referred to has been the immemorial custom of the country, and that it is so thoroughly understood to be so, that the obligation under advertence has been always universally enforced by the Government and recognized by the ryots, as a matter of course

2. According to the theory of the rights of the ruler and the ryot respectively in the land, that prevails in Mysore, the former is the sovereign proprietor of the soil, and is entitled to demand wet rates on all lands for which the means of irrigation are provided at the cost of the State. On the other hand, the ryot occupiers are at liberty to resign at pleasure their holdings, whether dry or irrigated lands, and this option is freely exercised by them, at times, to the serious loss of Government revenue.

3. The fact appears to be that, owing to the peculiar conformation and circumstances of the Mysore plateau, the first, and most imperative requirements of the country has been the construction of series of reservoirs in the lines of drainage for the use of the people and cattle, as well as for purposes of irrigation, and that the necessities of the case have invested the ruler with an arbitrary authority in connection with works of this class numbering some 36,000, and the establishment of which has cost the State vast sums, that is not known, and the grounds for which can hardly perhaps be understood in other parts of India.

4. The questions connected with the tank system of the Province and the lands dependent thereon, have been the subject of constant enquiry and consideration for some time past, and the Chief Commissioner would venture most respectfully but most earnestly to deprecate any alteration in the practice under report, as it might lead to serious general unsettlement and embarrassment to the Government. It should be added that there is as a rule no lack of readiness on the part of the ryots to take advantage of the means of irrigation when supplied to them, and that resignations of land under such circumstances are so rare as not to call for special consideration.

From the Secretary of State for India, To His Excellency the Right Honorable the Governor General of India in Council, Revenue No. 8, dated London, 22nd May 1873.

The despatch of your Excellency in Council, dated 17th January, No. 1, (Revenue, Irrigation) of 1873, relative to the question of assessing wet rates upon lands in Mysore which can be irrigated from tanks, whether the ryots do or do not avail themselves of the tanks, has been considered by me in Council.

2. Under the explanations afforded by the Chief Commissioner of Mysore, I concur with your Excellency in Council in considering that it would not be desirable to interfere with the practice in question, which would appear to have long prevailed in Mysore.

Government of India, Foreign Department, No. 24, Revenue, Irrigation, dated 14th July 1873.

Copy of the above forwarded to the Chief Commissioner of Mysore, with reference to his letter No. 4365—R. 120, dated 5th November 1872.

GENERAL No. 2313—REV. 23, DATED BANGALORE, 4TH AUGUST 1873.

Ordered, that the foregoing correspondence be communicated to the Commissioners of Divisions, the Survey and Settlement Commissioner, and the Superintending Engineer of Irrigation, for their information and guidance.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 5th August 1873.

From the Officiating Commissioner of the Nandidroog Division, To the Officiating Secretary to the Chief Commissioner of Mysore, General Department, No. R, 81, dated Bangalore, 16th May 1873.

Under the circumstances represented in the accompanying copy of a letter from the Deputy Commissioner of the Bangalore District, I have the honor to recommend the abolition of the tax known as "Wárakánike" which, it would appear, has continued to be imposed on the ryots in the Talooks of Closepéte and Kengéri, in addition to the assessment paid by them on their lands.

2. The continuance of a tax of this nature, is, in my opinion, objectionable, though the revenue derived thereby is somewhat larger in the Closepéte Talook than in Kengéri.

From the Officiating Deputy Commissioner of the Bangalore District, To the Officiating Commissioner of the Nandidroog Division, No. 106, dated Bangalore, 6th May 1873.

From enquiries instituted upon a complaint made by the ryots of the village Kailancha in the Closepéte Talook, it has been ascertained that in the two Talooks of Closepéte and Kengéri a tax called Wárakánike has continued to be imposed on the ryots during the last fifty years, and credited in the accounts to the head of money assessment on dry lands.

2. The realizations from this tax are Rs. 808—15—11 in the Closepéte, and Rs. 23—3—11 in the Kengéri Talook. It is not levied anywhere else in the District.

3. The tax seems to have been originally imposed on the ryots refusing to cultivate Batáyi lands on Wáram. It forms an additional charge in the pattás for their lands held by them on assessment, to which it is proportioned at so much per Kantiráyi pagoda of assessment, though the rates are not uniform.

4. As there exist no grounds for retaining this objectionable tax, I have the honor to solicit your instructions in the matter.

No. 2336—Rev. 63, dated Bangalore, 5th August 1873.

Order thereon.—In his letter No. 31 of the 16th May last, the Commissioner of the Nandidroog Division recommends the abolition of a tax called "Wárakánike," levied from the ryots in the Closepéte and Kengéri Talooks, in addition to the assessment paid on lands cultivated by them.

2. The Chief Commissioner observes that, from the accounts of the year 1861—62, the tax in question appears to be levied not only in the Closepéte and Kengéri Talooks, but also in those noted in the margin. The Commissioner of the Nandidroog Division is therefore requested to ascertain and report the total value of the tax. On receipt of the report, final orders will be issued on the subject.

*Bangalore Talook.
Chennapatna do.
Kánakánahalli do.
Anekallu do.
Huliyúrdurga do.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 5th August 1873.

From the Survey and Settlement Commissioner, Mysore, To the Officiating Secretary to the Chief Commissioner for the Government of the Territories of His Highness the Mahárújá of Mysore, General Department, No. 961, dated Karwar, 30th June 1873.

I have the honor to request that Captain Cowie, Assistant Superintendent, Mysore Revenue Survey, may be promoted from the 4th to the 3rd Grade of Assistant Superintendent from the 25th March last; he completed a year in charge of a field establishment on the preceding 2nd December, but did not pass the Departmental Examination qualifying for recommendation for promotion till the 25th March last.

2. Some correspondence has occurred regarding the circumstances attending the delay in passing the Departmental Examination, which is the cause of this application being only now sent in.

No. 2340, DATED BANGALORE, 5TH AUGUST 1873.

ORDER THEREON.—Ordered, that the following letter be submitted to the Government of India, Department of Agriculture, Revenue and Commerce, recommending the promotion of Captain Cowie from the 4th to the 3rd Grade of Assistant Superintendent, Mysore Revenue Survey, from the 25th March 1873.

Here enter No. 2341—33, dated 5th August 1873.

H. W. WELLESLEY,
Offg Secretary.

No. 2341.
33, R.

MYSORE CHIEF COMMISSIONER'S OFFICE,
DATED BANGALORE, *5th August* 1873.

FROM

THE OFFICIATING SECRETARY TO THE CHIEF COMMISSIONER OF MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPT. OF AGRICULTURE, REVENUE AND COMMERCE,
SIMLA.

"Revenue."

SIR,

By direction of the Chief Commissioner, I have the honor to submit for the favorable consideration, of His Excellency the Viceroy and Governor General in Council, copy of a letter from the Survey and Settlement Commissioner, Mysore, No. 961, dated 30th June 1873, and to recommend that Captain D. Cowie, Assistant Superintendent, Mysore Revenue Survey, who has completed one year in charge of a field establishment, may be promoted from the 4th to the 3rd Grade, from the 25th March last, the date on which he passed the Departmental Examination qualifying for promotion.

A draft Notification is appended for insertion in the *Gazette of India*, if approved.

Notification.

Captain D. Cowie, Assistant Superintendent, Mysore Revenue Survey, is promoted from the 4th to the 3rd Grade, with effect from the 25th March 1873.

I have the honor to be
Sir,
Your most obedient Servant,
H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 5th August 1873.

From the Conservator of Forests, To the Secretary to the Chief Commissioner of Mysore, in the Public Works Department, No. 1363, I, dated Bangalore, 28th July 1873.

I have the honor to forward for the Chief Commissioner's perusal letter No. 25 of the 12th instant, from Mr. E. Ludlow, Assistant Conservator on special duty, in which Mr. Ludlow gives an account of a tract of country lately inspected by him, and makes certain proposals for conserving the trees on it, and for fostering the growth of others. In these proposals generally I agree, and as the tract of country is worked out, it is very necessary that measures should at once be taken to prevent any further denudation of the land.

2. Mr. Ludlow details three measures adopted by him temporarily. In the first, *viz*, that no one shall be allowed to fell immature trees, he is fully supported by section 17 of the Mysore Forest Rules; and in putting a stop to felling in such spots by people from a distance, he is upheld by Section 17 of the Mysore Forest Rules indirectly; but the Deputy Commissioner can, under Section 17 of the Rules, issue direct orders, in exact accordance with what Mr. Ludlow has done pending reference. The same remarks apply to the measures mentioned by Mr. Ludlow in his para 6. The pay of the watchers appointed is met from the funds for the pay of District-Forest peons, and as the men appointed are villagers of influence, who were willing to accept Rs. 2 each, as a honorarium, I sanctioned the appointment of these men, and trust the Chief Commissioner will approve of my having done so as a temporary measure.

3. I beg to draw special attention to Mr. Ludlow's remarks regarding the encroachments of inámdars, and the wasteful working of the trees on their lands, and also to his remarks in para 13, regarding the manner in which Kagli trees had sprung up over some land near Náyikanhatti, as shewing how easily the ground can be again afforested.

4. Mr. Ludlow alludes to a grove of Náyibéla (*ac: leucophlœa*) trees which had grown up under the care of certain ryots. The preservation of such groves from the damage done them by the abkári contractors, who strip the trees of their bark, will form the subject of a communication to the Chief Commissioner, after the whole matter has been carefully gone into. At present, these contractors pay nothing for their bark, while they seriously damage and frequently destroy the tree.

5 The tract of land inspected by Mr. Ludlow formerly yielded a larger supply of fuel to Bangalore and other places. It could easily be again made a source of supply, provided that timely measures are taken. Mr. Ludlow has made fuller notes, but at my request submitted the letter now sent up with the view of placing the matter before the Chief Commissioner, so that Colonel Meade may be moved to direct that a competent European Revenue Officer may be directed to visit the locality in question, (and others afterwards) for the purpose of inquiring into the probable results of our proposed operations, for the settlement of claims, and the final investing of the Officers of the Forest Department with the necessary power by the Chief Commissioner to carry out such measures as may be proposed.

6. Mr. Ludlow has also visited portions of the Mágadi Talook (indicated to him by me), and reports that a very large trade in fuel is being carried on, and that the strain on the jungles is very great. The long continued drought, by preventing the ordinary agricultural operations proper to the season, is driving ryots to make what money they can by using their time, labor and cattle in felling and carting in large quantities of fuel to Bangalore. As far as we can see, the kandáyem of fields will in these parts of the country be paid in great part this year, by the money accruing to ryots from selling fuel cut by them in Government forests.

From the Assistant Conservator of Forests, on Special Duty, To the Conservator of Forests, Mysore and Coorg, No. 25, dated Bangalore, 12th July 1873.

I have the honor to forward herewith a sketch map of the tract of land (400 square miles in area) that I have lately traversed. The existing maps of the country are inaccurate, especially as regards roads, villages, and talook boundaries; and the time at my disposal, not permitting of my making a correct survey of this tract, I have been unable to submit a more detailed map of it.

2. The greater portion of this tract being waste, I propose to at once reserve it, so that the trees and shrubs and grasses, indigenous to its soil and well adapted for fuel and timber, may grow up again. I beg to annex a list of these.

3. I am confident that this good result will be brought about on all parts of this waste-land in the space of a few years (more or less according to the extent to which the injurious practice of removing the roots of the trees has been carried out) if the following measures are adopted.

1stly. The felling on the waste-land of this tract of all trees, except such as are absolutely required by the ryots of the surrounding and intervening villages for their domestic and agricultural wants, should be strictly prohibited; and they even cannot be allowed to cut immature trees. I have, as a temporary measure, issued orders accordingly.

2ndly. By the thorough conservation, here and there, of parts of this waste-land where such can be done without causing loss to the ryots, I have directed, as a temporary measure, that no goats should be allowed to graze on the Huligeredroog and Ujini hills. On both of these there are many young timber trees, and on the Ujini hill I found stumps of teak trees, two feet in diameter, which still retained their vitality.

4. I have appointed six inhabitants of the neighbouring villages as forest-watchers on a monthly wage of Rs. 2—0—0.

5. I do not think it advisable to adopt any further protective measures until this tract has been again traversed by me in company of the District or Sub-divisional Officer.

6. I am of opinion, however, that in the meanwhile no further licenses for grazing or for the collection of minor forest produce should be granted as hitherto by the District officials without first consulting me, as to the advisability of doing so. Much loss has been caused by the cutting of immature "Tangadi shrubs" (*Cassia auriculata*) which grow freely all over this tract. Sandal trees are seldom met with, although the soil in many parts is well adapted to their growth, and the heart-wood of those I found had an excellent aroma. The inhabitants of this tract assure me, and there is no reason to doubt their statement, that formerly the sandal trees, the custard apple tree, the patanga which yields the kamila dye, and other valuable plants occurred in these parts. There are plenty of jálári trees (*Shorea laccifera*) left on the hills. The growth of all these should be encouraged.

7. I lost no opportunity of assembling and conversing with the ryots on the subject of the reservation of these waste lands, and they have unanimously assured me that they will assist to their utmost, in carrying out this good work, and I believe they will be as good as their word, for they are now put to the greatest inconvenience by the destruction of the forest with which this tract was, not very many years ago, covered. The pasture even has greatly deteriorated since the country has been denuded.

8. It is true that the ryots have done as much, perhaps more than others, to bring about this deplorable state of affairs, but they urge that it was not until they had repeatedly and vainly attempted to prevent the devastation of their forest by outsiders that they themselves joined in the work of destruction.

9. There are, on the Ballápura side, smaller tracts nearer to Bangalore than that I have selected for immediate reservation, which were formerly covered with forest, but, owing to their vicinity to the town, they were converted into waste many years ago, and are now so sterile that without artificial aid they would not readily return to their pristine condition. As soon as I have adopted measures for the afforesting of the more recently destroyed forest tracts of the division, I will, if necessary, apply for permission to reserve these also.

10. If the waste land of this tract is reserved, as I propose, it will be necessary, if possible, to make separate provision for the wants, as regards fuel of the large towns in the vicinity, and of the resident charcoal-burners. The latter should be directed to locate themselves near Nandi, Dévanáyanadurga and the adjacent hills, which have already been reserved. The forests on these are now, I believe, capable of affording sufficient wood for their wants and for the neighbouring towns.

11. During my tour I came across several inám villages: their owners have in some instances encroached to a considerable extent on the surrounding Government forests. If these inámholders cannot be prevented from working their forests in a wasteful manner, they must be directed to take out passports for the removal of all wood from their estates, otherwise we will not be able to exercise a proper check over the working of the Government forests. I may mention that certain inám village ryots begged me to order the inámholders to work their forests carefully.

12. The general appearance of the country in this tract is undulating, and there is a good depth of fertile soil. It is well traversed on all sides by good bandy roads.

13. In order to get a good view of this tract I ascended the Mákalidurga Hill, and had to pass through part of the Kolár District. The state of some of the forest lands I saw there, called so urgently for measures to be adopted for their improvement, that I, have included them in the tract I propose to at once reserve, especially as they are contiguous to the lands I have selected for this purpose in the Bangalore and Toomkoor Districts and to some that have already been reserved by Mr. Krishnaiengar. Here and there in this tract small attempts at forest conservation have been made by the Deputy Com-

missioners, and attended with considerable success. The small forest, consisting chiefly of kaggali trees (*Acacia myriophylla*), which cover a large tract of land near Náyikanahalli, owes its existence to some verbal orders given to the village Gauda by the Conservator when he visited these parts a few years ago. The ryots of "Umbligere and Istáru" have fostered the growth of a large number of náyibéla trees (*Acacia leucophlœa*) on the waste land of their villages; those at Umbligere cover an area of 250 acres.

14. At present my orders are to traverse the Bangalore and Toomkoor Districts only, and to make proper arrangements for the fuel supply of Bangalore; but I think it would be more to the interest of Government if I were also directed to afforest all the waste lands of the Division.

15. I feel much indebted to Mr. Target, the Officiating Executive Engineer, Bangalore Division, for informing me of the existence of this tract, which, I trust, will ere long be clothed with forest.

List of Trees and Shrubs.

Native Names.		Economic Uses.
Dodda Hulive ...	Terminalia	Timber.
Chikka Hulive ...	Diospyros	Do
Túbre	Diospyros	Do
Chigre	...	Do
Kakke	Cassia fistula	Do
Nérale	Eugenia jambolana	Do
Teak	Tectona grandis	Do
Dindiga	Conocarpus latifolia	Do
Cheninge ...	Lagerstrœmia parviflora ...	Do
Bilvára	Acacia odoratissima	Do
Dévadári ...	Sethia Indica	Do
Kagli	Acacia Myriophylla	Do
Honne	Pterocarpus marsupium ...	Do
Gorivi	Ixora Arborea	Do
Jagalaganti ...	Diospyros montana	Do
Ankóle	Alangium decapetatum ...	Do
Maldodi	...	Do
Navaládi	Vitex alata	Do
Nim	Azaderachta indica	Do
Basari	...	Do
Mugli	Acacia covalum	Do
Bágo	Acacia speciosa	Do
Jáli	...	Do
Hucha Narave ...	..	Do
Ije	Remna tomentosa	Do
Mikale	...	Do
Hulvange ...	...	Do
Bandari	...	Fuel.
Hongé	Pongamia glabra	Oil, from seeds.
Náyibéla	Acacia leucophlœa	Used in distilling arrack.
Muttugada ...	Butea frondosa	Leaves for platters.
Dúpada	...	Gum.
Geru	Anacardium semecarpus ...	Fruit for oil.
Jálári	Shorea laccifera	Lac.
Sandal	Santalum album	Wood for carving.
Tangadi	Cassia Auriculata	Bark for tanning.

I was informed by the ryots of many other plants, which they say grew formerly on these lands; but I did not see any of them.

Bamboos appear to grow well on all sides of the tract.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 5th August 1873.

No. 2338—Rev. 64, dated Bangalore, 5th August 1873.

Order thereon.—Mr. Ludlow's report is valuable and interesting. It would have been more useful if accompanied by the sketch map forwarded by Mr. Ludlow, shewing the tract of land alluded to.

2. The report is not sufficiently complete to admit of the issue of final orders as to the course that should be taken on the points mooted; but the Chief Commissioner directs that it be referred to the Commissioner of the Nandidroog Division with a view to early measures being adopted to secure the reservation, for district forest purposes, of such portions of the tract referred to as may be suitable and are not at present occupied, or the property of private individuals.

3. With this object, a competent Assistant Commissioner will be deputed under the orders of the District Officers concerned, if the latter cannot personally attend to examine the tract in company with Mr. Ludlow, and with authority to enquire into and deal with such claims as may be preferred to portions of it that may interfere with the carrying out of the proposed scheme.

4. The project is viewed by the Chief Commissioner as one of the highest importance to Bangalore, demanding full and prompt attention. The alleged encroachments of certain inámdars on the surrounding Government forests should be duly enquired into.

5. As far as the Chief Commissioner can judge, the proposals made by Mr. Ludlow and the Conservator are practical and worthy of adoption.

Ordered, that a copy of the above be forwarded to the Conservator of Forests.

H. W. WELLESLEY,
Offg. Secretary.

No. 2342—Rev. 35, dated Bangalore, 5th August 1873.

Order.—In the Inámti Statement Class II, No. 6, of the Ashtagram Division, for the year 1872—73, a certain land granted to the Kulawádi of the Hosakoppalu village near Ilassan, is entered under the head of Jári ináms.

2. Referring to this entry, the Chief Commissioner observes that, in this office docket No. 6048½—176 of the 31st January last, sanction was conveyed to the grant of the land in question to the Kulawádi at a reduced assessment of Rs. 1—7—4, not as a permanent inám, but on the express understanding that the reduced assessment should be subject to re-adjustment on the survey and settlement of the talook. The land was not converted into a jódi inám, and it should not therefore be entered in the Statement Class II, No. 6, which is intended to shew the extent and value of ináms in the District. Colonel Meade directs that, until the advent of the survey and settlement of the village in which the land is situated, a remission of Rs. 5—2—5 from its existing assessment of Rs. 6—9—9 should be made for the benefit of the Kulawádi, issuing a kandáyam pattá in his name for the recorded extent of 6 Kolagas, 6 Mánas. The remuneration should be made to appear in this case in the shape of a deduction from the assessment of the land and not as inám, pending the revision of the emoluments of the village servants in the Province.

3. The above course should be adopted in the case of all temporary grants of this nature.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 6th August 1873.

From the Offg. Commr. of the Nandidroog Division, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. G. 67, dated Bangalore, 30th June 1873.

In returning the petition from the ryots of Gangallu in the Hosakóte Talook, received under cover of your Official Memorandum No. 971—28 of 26th May last, I have the honor to submit copy of a letter from the Deputy Commissioner of the Bangalore District, reporting on the subject of the petitioners' complaint against Munégauda, to whom the cultivation of the batáyi land in the Hosakóte Talook was entrusted.

2. The fine of Rs. two referred to, which was levied from the deceased Patél of the village, and not from the petitioners, having been carried to the credit of Government, and entered in the jamábandi accounts, cannot well be refunded.

3. The subject of the petitioners' Ulume lands, which they say Munégauda has cultivated by others, would appear to have been since compromised.

From the Offg. Deputy Commissioner of the Bangalore District, To the Offg. Commissioner, Nandidroog Division, No. 279, dated Bangalore, 27th June 1873.

In returning Secretary's Official Memorandum and petition from the ryots of Gangallu in the Hosakóte Talook, received under cover of your docket No. 209, dated 5th instant, I have the honor to state that the talook authorities levied a fine of Rs. two from Múdlaiya, the Patél of the village (since deceased) for disobedience of orders, to bring up the ryots to cultivate the lands under the tank. The fine was collected from the Patél, not the ryots, and carried to the credit of Government on the 20th January last, and also entered in the jamábandi accounts.

2. In consequence of the ryots having refused to cultivate the land, Munégauda was directed to take it in hand, and he succeeded in having two out of the four kandís cultivated by some ryots not belonging to the village. Hence the complaint, which however has since been compromised; the ryots agreeing to cultivate this year the remaining two kandís, and another kandi which is available, and taking possession of their four kandís from next year.

No. 2367—Rev. 65, dated Bangalore, 6th August 1873.

Order thereon.—In the above letter the Commissioner of Nandidroog, in reporting on the complaint preferred to the Chief Commissioner by the ryots of Gangallu village in the Hosakóte Talook, states that the fine complained of was levied from a deceased Patél known as Múdlaiya for his failure to make the ryots to cultivate the batáyi lands of the village and not from the petitioners; also that the subject of the petitioners' Ulume lands, of the cultivation of which they complained of having been deprived by one Munégauda, has since been compromised.

2. Under the latter circumstances, the Chief Commissioner deems it better not to re-open the case further than to direct that, if, as appears to Colonel Meade, the fine imposed on the Patél was not warranted, it may be refunded to his family.

3 An endorsement may accordingly be given to the petitioners.

H. W. WELLESLEY,
Offg. Secretary.

No. 2338—Rev. 64, dated Bangalore, 5th August 1873.

Order thereon.—Mr. Ludlow's report is valuable and interesting. It would have been more useful if accompanied by the sketch map forwarded by Mr. Ludlow, shewing the tract of land alluded to.

2. The report is not sufficiently complete to admit of the issue of final orders as to the course that should be taken on the points mooted; but the Chief Commissioner directs that it be referred to the Commissioner of the Nandidroog Division with a view to early measures being adopted to secure the reservation, for district forest purposes, of such portions of the tract referred to as may be suitable and are not at present occupied, or the property of private individuals.

3. With this object, a competent Assistant Commissioner will be deputed under the orders of the District Officers concerned, if the latter cannot personally attend to examine the tract in company with Mr. Ludlow, and with authority to enquire into and deal with such claims as may be preferred to portions of it that may interfere with the carrying out of the proposed scheme.

4. The project is viewed by the Chief Commissioner as one of the highest importance to Bangalore, demanding full and prompt attention. The alleged encroachments of certain inámdars on the surrounding Government forests should be duly enquired into.

5. As far as the Chief Commissioner can judge, the proposals made by Mr. Ludlow and the Conservator are practical and worthy of adoption.

Ordered, that a copy of the above be forwarded to the Conservator of Forests.

H. W. WELLESLEY,
Offg. Secretary.

No. 2342—Rev. 35, dated Bangalore, 5th August 1873.

Order.—In the Inámti Statement Class II, No. 6, of the Ashtagram Division, for the year 1872—73, a certain land granted to the Kulawádi of the Hosakoppalu village near Hassan, is entered under the head of Jári ináms.

2. Referring to this entry, the Chief Commissioner observes that, in this office docket No. 6048½—176 of the 31st January last, sanction was conveyed to the grant of the land in question to the Kulawádi at a reduced assessment of Rs. 1—7—4, not as a permanent inám, but on the express understanding that the reduced assessment should be subject to re-adjustment on the survey and settlement of the talook. The land was not converted into a jódi inám, and it should not therefore be entered in the Statement Class II, No. 6, which is intended to shew the extent and value of ináms in the District. Colonel Meade directs that, until the advent of the survey and settlement of the village in which the land is situated, a remission of Rs. 5—2—5 from its existing assessment of Rs. 6—9—9 should be made for the benefit of the Kulawádi, issuing a kandáyam pattá in his name for the recorded extent of 6 Kolagas, 6 Mánas. The remuneration should be made to appear in this case in the shape of a deduction from the assessment of the land and not as inám, pending the revision of the emoluments of the village servants in the Province.

3. The above course should be adopted in the case of all temporary grants of this nature.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 6th August 1873.

From the Offg. Commr. of the Nandidroog Division, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. G. 67, dated Bangalore, 30th June 1873.

In returning the petition from the ryots of Gangallu in the Hosakóte Talook, received under cover of your Official Memorandum No. 971—28 of 26th May last, I have the honor to submit copy of a letter from the Deputy Commissioner of the Bangalore District, reporting on the subject of the petitioners' complaint against Munégauda, to whom the cultivation of the batáyi land in the Hosakóte Talook was entrusted.

2. The fine of Rs. two referred to, which was levied from the deceased Patél of the village, and not from the petitioners, having been carried to the credit of Government, and entered in the jamábandi accounts, cannot well be refunded.

3. The subject of the petitioners' Ulume lands, which they say Munégauda has cultivated by others, would appear to have been since compromised.

From the Offg. Deputy Commissioner of the Bangalore District, To the Offg. Commissioner, Nandidroog Division, No. 279, dated Bangalore, 27th June 1873.

In returning Secretary's Official Memorandum and petition from the ryots of Gangallu in the Hosakóte Talook, received under cover of your docket No. 209, dated 5th instant, I have the honor to state that the talook authorities levied a fine of Rs. two from Múdlaiya, the Patél of the village (since deceased) for disobedience of orders, to bring up the ryots to cultivate the lands under the tank. The fine was collected from the Patél, not the ryots, and carried to the credit of Government on the 20th January last, and also entered in the jamábandi accounts.

2. In consequence of the ryots having refused to cultivate the land, Munégauda was directed to take it in hand, and he succeeded in having two out of the four kandís cultivated by some ryots not belonging to the village. Hence the complaint, which however has since been compromised; the ryots agreeing to cultivate this year the remaining two kandís, and another kandi which is available, and taking possession of their four kandís from next year.

No. 2367—Rev. 65, dated Bangalore, 6th August 1873.

Order thereon.—In the above letter the Commissioner of Nandidroog, in reporting on the complaint preferred to the Chief Commissioner by the ryots of Gangallu village in the Hosakóte Talook, states that the fine complained of was levied from a deceased Patél known as Múdlaiya for his failure to make the ryots to cultivate the batáyi lands of the village and not from the petitioners; also that the subject of the petitioners' Ulume lands, of the cultivation of which they complained of having been deprived by one Munégauda, has since been compromised.

2. Under the latter circumstances, the Chief Commissioner deems it better not to re-open the case further than to direct that, if, as appears to Colonel Meade, the fine imposed on the Patél was not warranted, it may be refunded to his family.

3. An endorsement may accordingly be given to the petitioners.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 6th August 1873.

From the Offg. Commissioner of the Nandidroog Division, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department No 50, Rev., dated Bangalore, 30th June 1873.

With reference to your docket No 768—Rev. 28, dated 14th May last, requesting that the cost of paper for printing the Manual of Instructions, applied for in my docket No. 27 of the 7th idem, may be remitted, I have the honor to forward the accompanying copy of a letter from the Deputy Commissioner of the Bangalore District, No. 230, dated 11th June 1873, and to request that you will be so good as to inform me whether the sum in question should be recovered from the Shánbhógs, &c., to whom the Manuals have been issued.

2. I may add that, in para 3 of your letter No. 6821—62, these Manuals were promised to be issued free of charge, the Shánbhógs being merely required to provide their own paper for the forms.

3. I beg that a supply of printed forms of batáyi account may be furnished for distribution, the same not having been received with the printed slip of instructions, as stated in para 5 of the above quoted letter.

From the Offg Deputy Commissioner, Bangalore District, To the Offg Commissioner, Nandidroog Division, No. 230, dated Bangalore, 11th June 1873.

In reply to your docket No. 84, dated 21st ultimo, requesting that the cost of the paper for printing the 1,150 copies of Manual of Instructions forwarded with the above may be remitted, I have the honor to refer to para 3 of Circular No. 6821—62, dated 1st March last, from the Secretary to the Chief Commissioner, copy of which was forwarded under cover of your memo No. 839, dated 24th idem, in which the Manual is promised by Government to be issued free of charge.

2. In reference to para 5 of the said Circular, I would beg to observe that the printed slip of directions, and the printed form of account for batáyi settlement referred to, have not been received with the Manual, and that the distribution of the Manual is in consequence delayed.

No. 2369—Rev. 66, dated Bangalore, 6th August 1873.

Order thereon.—In reply to para 1 of the above, the Commissioner is informed that he is right in stating that the copies of the Manual of Instructions for the guidance of Shánbhógs, forwarded with this office docket No. 768—28 of the 14th May 1873, should be supplied to them gratis, under the terms of para 3 of Circular No. 6821—22 of the 1st March 1873. Their cost should therefore be borne by Government.

2. For the batáyi forms reported not to have been received, the Commissioner is referred to the accompaniments of this office docket No. 768—28, above referred to, with which they were duly forwarded.

H. W. WELLESLEY,
Offg. Secretary.

From Acting Sub-Collector in charge, Coimbatore, To the Offg. Secretary to the Chief Commissioner of Mysore, No. 188, dated Coimbatore, 31st July 1873.

The two ryots named below, now residing at Latchmípura of Kambaságara village, Gundlupéte Talook in Mysore, owe revenue arrears to this District on account of lands respectively held by them in Veeracaralum and Gaudanapolliem villages of Coimbatore Talook for Fusly 1282. I shall feel obliged by your ordering collection of the money from those individuals and remitting the same to me when collected.

		Rs.	As.	P.
1 Pula Gauda	.. Iyen	2	13	10
	Road Cess..	0	2	5
	Total Rs..	3	0	3
2 Rangé Gauda	.. Iyen	5	11	6
	Road Cess..	0	5	9
	Total Rs..	6	1	3

with interest at 6 per cent per annum from 15th June 1873, to date of payment.

No. 2372—Rev. 36, dated Bangalore, 6th August 1873.

Order thereon.—Ordered, that the foregoing letter be forwarded to the Commissioner of the Ashtagram Division, for disposal.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 6th August 1873.

From the Offg. Director of Public Instruction in Mysore, To the Officiating Secretary to the Chief Commissioner of Mysore, General Department, Genl. No. 2029—682, dated Bangalore, 12th July 1873.

As requested in the Chief Commissioner's orders No. 1723—Revenue No. 47, dated the 4th instant, I have the honor to forward a statement of the expenditure incurred on hóbli-schools during the year 1871—72, as obtained from the Deputy Accountant General, amounting to Rs. 54,336. The allotment for education from the Local Fund cess during the same period was Rs. 82,343.

2. The objects to which the surplus of the Local Fund collections over the expenditure on education may be most suitably applied are the following in the order of their urgency.

1. To provide Assistant Masters or Pupil Teachers for those schools in which the number of pupils is greater than can be properly taught by one man.
2. To provide for a system of increments to the pay of deserving masters.
3. To making grants-in-aid for the erection of hóbli-school houses.
4. To establishing additional schools in those villages which are, on account of distance or other reasons, unable to take advantage of the existing hóbli-schools.

3. The necessity for employing pupil teachers in certain schools has been repeatedly pointed out, and is admitted by the Chief Commissioner in the Review of the Educational Report for 1871—72, para 20.

4. The reasons for providing a graduated scheme of salaries for hóbli-masters are, that their present pay is fixed at the lowest possible rate, and that without some prospect of an increase, they are unable to continue in the Department. Several have already resigned on this account. The absence of any reward for successful exertions has a damping influence upon the men, who now see no advantage to be derived from their efforts as all are paid alike. I would propose to make three grades of hóbli-masters. The third grade to have Rs. 7 a month, the present rate, the second Rs. 10 and the first Rs. 12. The promotion from one grade to the next would be made to depend on length of service, on the average number of pupils continuously maintained for at least one year before the promotion takes effect, and finally on passing a satisfactory examination according to an appointed standard.

5. The principal difficulty in obtaining the erection of school-houses arises from the obstacles in the way of procuring wood for the purpose. But as the Government of India has conceded the privilege of granting timber for the purpose from Government forests at half the duty rates, the remaining half has to be met by grants-in-aid from the Local Fund.

6. The necessity for establishment of additional village schools was also acknowledged by the Chief Commissioner in his Review of the Educational Report before referred to, para 20. Every hóbli in the Province is now occupied, making up a total of 534 primary schools. The Deputy Commissioners of the eight Districts have furnished lists of villages in which additional schools are required to the number of 329, some of them to be Hindustáni schools. Whatever proportion out of this number it may be determined to open now, the establishment for training of the masters and inspection of the schools will have at the same time to be taken into consideration.

Charges—Village Schools, 1872—73.

Masters and normal pupils	43,253	7	10
Sub-Deputy Inspectors at 40 Rs. with stationery and travelling allowance and peon ...	6,073	10	9
Training Masters at 40 Rs. with one peon each	1,454	10	8
Furniture for the schools	1,113	5	6
Books and stationery for do.	1,517	12	0
Contingencies	856	9	1
Travelling allowance to masters in transit	66	8	0
Total.....	54,335	15	10

No. 2391—Rev. 76, dated Bangalore, 6th August 1873.

Order thereon.—The report of the Account Department on the realizations and allotment of the Local Fund cess for the past year (1872—73), shews that the portion of the same, *viz.* 24 per cent, assigned to meet the charges of primary education in the Province, heretofore borne by Provincial or State Funds, aggregated Rs. 91,594, or Rs. 9,251 in excess of the amount stated by the Director.

2. The charges of the hóbli-schools for the past year are stated to have amounted to Rs. 54,335—15—0 or Rs. 37,258 less than the receipts from the education cess, and as it is intended that the full amount of the latter shall be utilized on primary education, it is necessary to consider without delay how this can be done most effectively as regards the object in view.

	Rs.	As	P
Masters and Inspectors ...	50,848	5	0
Furniture, books, contingencies	3,487	10	0
	54,335	15	0

3. The Director specifies four heads, under which the surplus funds available may, in his opinion, be most suitably expended to meet existing urgent wants, and the Chief Commissioner concurs generally in his views, as so recorded.

4. Before, however, deciding what steps shall be taken towards giving effect to them, it appears to be necessary to state that, besides the current charges of the hóbli-schools, the education cess should provide for all grants-in-aid to schools of the same class, and also for the prospective claims to pension or gratuity of the hóbli school masters and others connected with the establishments maintained for primary education. It is also a question for consideration if the Hindustáni schools lately established should not be regarded as falling under the latter head. The Chief Commissioner can see no good reason why they should not be so.

5. The Director will reconsider these points in communication with the Deputy Accountant General, to whom a copy of this order will be sent, and will submit a recommendation as to the proportion of the net available surplus of the cess he would propose to assign to each of the heads named by him with full details to admit of an application being made to the Government of India on the subject with as little delay as possible.

H. W. WELLESLEY,
Offg. Secretary.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 7th August 1873.

From the Conservator of Forests of Mysore, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. 1335,—Rev.—Forests, dated Bangalore, 28th July 1873.

I have the honor to reply to your No. 2103—65 of the 26th instant, which reached me at 4 P. M. on Saturday afternoon.

2. The Chief Commissioner directs that an item of Rs. 7,871—4—6 cannot be removed from my demand, collection and balance statements for 1872—73, (being an arrear outstanding) until after such removal shall have been authorized under a full and detailed explanation.

3. I beg to report as follows. The sum alluded to does not appear in my statements for 1872–73, and it was not shewn either in my statements for 1871—72, from which a sum of Rs. 7,395—2—0 was removed, after certain correspondence had passed between my office and yours. This correspondence began with my No. 2473 of the 22nd March 1872, in which I pointed out how the discrepancy arose in the accounts of 1869—70. To this you replied in your No. 6175—420 of the 25th March 1872, when I was out in Coorg. In reply to that letter, after my return from leave, I submitted my No. 1572 of the 27th September 1872, in which I pointed out that the actual outstanding was Rs. 7,395—2—0, not Rs. 7,871—4—6, as Rs. 476—2—6 had been written off under authority. To this letter I received no reply, and as I had for the same reasons as were therein detailed, not entered the sum in my accounts for 1871—72, which accounts were accepted without comment, I came to the conclusion that the sanction was implied though not expressed; and as my accounts for 1871—72 did not shew the sum, I did not of course enter the sum in my accounts for 1872—73.

4. In your letter under reply, the sum is again put at Rs. 7,871—4—6, though my reasons for striking out Rs. 476—2—6 were given in my No. 1572 of the 27th September last. The manner in which accounts and returns were then submitted to me did not allow of my knowing what the transactions in treasuries were, and it was for the purpose of giving me that information that forms Nos. 24 and 25 were introduced, (see my No. 2473 of the 22nd March 1872). The Deputy Accountant General will bear me out in stating that cases have not unfrequently occurred where Amildars have credited Forest Revenue to Land Revenue, or under the system just done away with to the District Forests. This cannot so well occur now, as the whole of the Forest Revenue whether from District or State Forests is now credited to the Forest Department.

5. I beg to offer the following remarks in reply to the Chief Commissioner's strictures on the unpunctual submission of monthly returns of demand, collection and balance statements. No date for the submission of the returns has been given me, but simply the order that they are to be submitted monthly. I will not here enter into the heavy amount of accounts' work now in my office, and that I have only one Accountant. I do not think any other office in the Province, has as much accounts' work, with so small an establishment to carry it out. I have reported this separately, and only beg to bring it to the Chief Commissioner's recollection. But I beg to draw attention to the following. My statements are based on those sent me by the Executive Officers. Part of the demands arise from sales made by the Deputy Commissioners and Amildars without reference to the Assistant Conservator. I enclose one of the blank forms (No. 25), and beg attention to the instructions at the back, which lay down that this return is not due by the Deputy Commissioner to the Assistant Conservator till the 25th of the month following that to which it refers. This date the Deputy Accountant General laid down, as he was of opinion that it could not be done before. The return cannot reach me till the beginning of the second month, and if the Assistant Conservator is out in camp, still later perhaps. These returns are not always correct and have to be returned by either the Range Officer or myself.

6. The work at the beginning of the official year is always heavy, and I can only just now take up the returns for April: the Mysore and Nandidroog statements having been returned for explanations and not yet resubmitted. Neither have I received the Deputy Accountant General's extract for Divisional abstract book for April, which document is that by which I test the correctness of the various treasury returns.

7. I submit the above remarks for the Chief Commissioner's consideration, and beg Colonel Meade will, if he thinks it necessary, refer the matter for the opinion of the Deputy Accountant General. If I am still held to blame for inexcusable unpunctuality, I can only state that while trying my best to get the returns in, I shall always have the feeling that I must fail in doing so, unless perhaps under the most exceptional circumstances.

No. 2431—Rev. 77, dated Bangalore, 7th August 1873.

Order thereon.—It appears from the above, that the Conservator of Forests is unable to render a more satisfactory account of Rs. 7,395—2—0, which was recommended by him to be removed from the accounts, than a reference to the explanation, such as it was, afforded by him in former letters on the subject, but as the item in question is reported to

END

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CONTD IN NEXT ROLL